

Mā tō tātou takiwā  
**For our District**

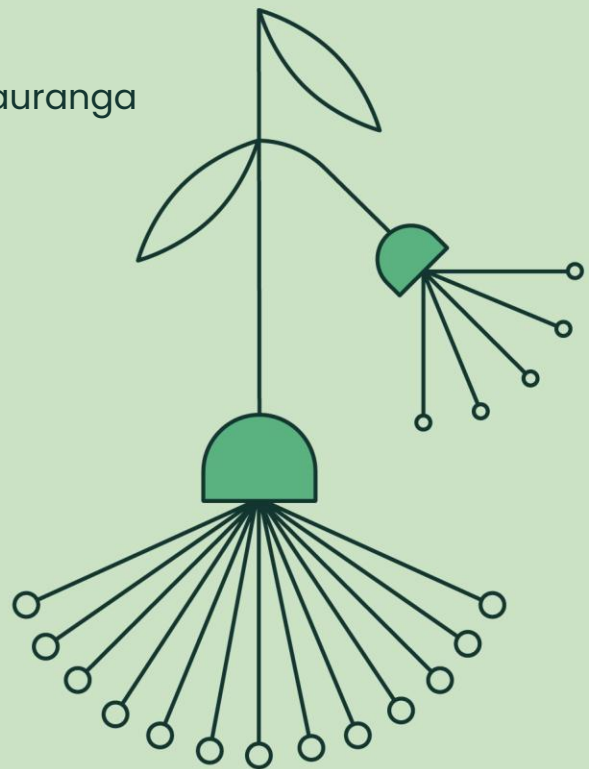
## Council

Te Kaunihera

CL25-13

Thursday, 4 September 2025, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



# Council

## Membership:

<b>Chairperson</b>	Mayor James Denyer
<b>Deputy Chairperson</b>	Deputy Mayor John Scrimgeour
<b>Members</b>	Cr Tracey Coxhead Cr Grant Dally Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Laura Rae Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
<b>Quorum</b>	Six (6)
<b>Frequency</b>	Six weekly

## Role:

The Council is responsible for:

- Ensuring the effective and efficient governance and leadership of the District.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## Power to Act:

To exercise all non-delegable functions and powers of the Council including, but not limited to:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
- The power to adopt a Long Term Plan, a Long Term Plan Amendment, Annual Plan or Annual Report and to receive any related audit report;
- The power to appoint a chief executive;
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement;

- The power to adopt a remuneration and employment policy;
- The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991;
- The power to approve or amend the Council's Standing Orders;
- The power to approve or amend the Code of Conduct for Elected Members;
- The power to appoint and discharge members of committees;
- The power to establish a joint committee with another local authority or other public body;
- The power to make a final decision on a recommendation from the Parliamentary Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/ Trustees and representatives of Council to external organisations.
- To monitor the performance of and make decisions on any matters relating to Council Controlled Organisations (CCO), including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent), including as recommended by the Strategy and Policy Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council and/or any other local authority including the requirement to review the terms of any such agreements or contractual arrangements.
- To approve the triennial agreement.
- To approve the local governance statement required under the Local Government Act 2002.
- To approve a proposal to the Remuneration Authority for the remuneration of Elected Members.
- To approve any changes to the nature and delegations of Committees.

**Procedural matters:**

Approval of elected member training/conference attendance.

**Mayor's Delegation:**

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

**Power to sub-delegate:**

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.

Notice is hereby given that a Meeting of Council will be held in the  
Council Chambers, 1484 Cameron Road, Tauranga on:  
Thursday, 4 September 2025 at 9.30am

## Order Of Business

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**1 KARAKIA**

Whakatau mai te wairua  
Whakawātea mai te hinengaro  
Whakarite mai te tinana  
Kia ea ai ngā mahi

Āe

Settle the spirit  
Clear the mind  
Prepare the body  
To achieve what needs to be  
achieved.  
Yes

**2 PRESENT**

**3 IN ATTENDANCE**

**4 APOLOGIES**

**5 CONSIDERATION OF LATE ITEMS**

**6 DECLARATIONS OF INTEREST**

**7 PUBLIC EXCLUDED ITEMS**

**8 PUBLIC FORUM**

## **9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**

### **9.1 MINUTES OF THE COUNCIL MEETING HELD ON 24 JULY 2025**

**File Number:** A6909058

**Author:** Pernille Osborne, Senior Governance Advisor

**Authoriser:** Robyn Garrett, Governance Manager

#### **RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 24 July 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

#### **ATTACHMENTS**

1. Minutes of the Council Meeting held on 24 July 2025

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**COUNCIL MEETING NO. CL25-9**  
**HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA**  
**ON THURSDAY, 24 JULY 2025 AT 9.30AM**

**1 KARAKIA**

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

**2 PRESENT**

Mayor J Denyer, Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr L Rae, Cr A Sole, Cr D Thwaites and Cr A Wichers.

**3 IN ATTENDANCE**

A Henderson (General Manager Corporate Services), E Watton (Acting General Manager Strategy and Community), P Watson (Acting General Manager Infrastructure Services), A Curtis (General Manager Regulatory Services), R Garrett (Governance Manager), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

**4 APOLOGIES**

**APOLOGY**

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**RESOLUTION CL25-9.1**

Moved: Cr R Joyce

Seconded: Cr M Grainger

That the apology for lateness from Cr Henry be accepted.

**CARRIED**

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**5 CONSIDERATION OF LATE ITEMS**

Nil

## **6 DECLARATIONS OF INTEREST**

Nil

## **7 PUBLIC EXCLUDED ITEMS**

Nil

## **8 PUBLIC FORUM**

Nil

## **9 COMMUNITY BOARD MINUTES FOR RECEIPT**

### **9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 28 MAY 2025**

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#### **RESOLUTION CL25-9.2**

Moved: Cr A Sole

Seconded: Cr R Joyce

That the Minutes of the Katikati Community Board Meeting held on 28 May 2025 be received.

**CARRIED**

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### **9.2 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 29 MAY 2025**

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#### **RESOLUTION CL25-9.3**

Moved: Cr A Wichers

Seconded: Cr G Dally

That the Minutes of the Te Puke Community Board Meeting held on 29 May 2025 be received.

**CARRIED**

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### **9.3 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 3 JUNE 2025**

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#### **RESOLUTION CL25-9.4**

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Moved: Cr M Grainger

Seconded: Cr D Thwaites

That the Minutes of the Ōmokoroa Community Board Meeting held on 3 June 2025 be received.

**CARRIED**

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#### **9.4 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 9 JUNE 2025**

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##### **RESOLUTION CL25-9.5**

Moved: Cr A Sole

Seconded: Cr R Joyce

That the Minutes of the Waihī Beach Community Board Meeting held on 9 June 2025 be received.

**CARRIED**

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#### **9.5 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 17 JUNE 2025**

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##### **RESOLUTION CL25-9.6**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr L Rae

That the Minutes of the Maketu Community Board Meeting held on 17 June 2025 be received.

**CARRIED**

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## **10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**

#### **10.1 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 8 MAY 2025**

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##### **RESOLUTION CL25-9.7**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

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1. That the Minutes of the Extraordinary Council Meeting held on 8 May 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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## **10.2 MINUTES OF THE COUNCIL MEETING HELD ON 13 MAY 2025**

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### **RESOLUTION CL25-9.8**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 13 May 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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## **10.3 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 20 MAY 2025**

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### **RESOLUTION CL25-9.9**

Moved: Cr M Grainger

Seconded: Mayor J Denyer

That the Minutes of the Strategy and Policy Committee Meeting held on 20 May 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **10.4 MINUTES OF THE COUNCIL MEETING HELD ON 27 MAY 2025**

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### **RESOLUTION CL25-9.10**

Moved: Deputy Mayor J Scrimgeour

Seconded: Mayor J Denyer

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1. That the Minutes of the Council Meeting held on 27 May 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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#### **10.5 MINUTES OF THE AUDIT, RISK AND FINANCE COMMITTEE MEETING HELD ON 4 JUNE 2025**

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##### **RESOLUTION CL25-9.11**

Moved: Cr M Grainger

Seconded: Cr A Sole

That the Minutes of the Audit, Risk and Finance Committee Meeting held on 4 June 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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#### **10.6 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 5 JUNE 2025**

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##### **RESOLUTION CL25-9.12**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr L Rae

That the Minutes of the Annual Plan and Long-Term Plan Committee Meeting held on 5 June 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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#### **10.7 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 10 JUNE 2025**

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##### **RESOLUTION CL25-9.13**

Moved: Cr D Thwaites

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Seconded: Cr A Sole

That the Minutes of the Projects and Monitoring Committee Meeting held on 10 June 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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#### **10.8 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 12 JUNE 2025**

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##### **RESOLUTION CL25-9.14**

Moved: Mayor J Denyer

Seconded: Cr M Grainger

That the Minutes of the Strategy and Policy Committee Meeting held on 12 June 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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#### **10.9 MINUTES OF THE COMMUNITY COMMITTEE MEETING HELD ON 25 JUNE 2025**

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##### **RESOLUTION CL25-9.15**

Moved: Cr M Murray-Benge

Seconded: Cr G Dally

That the Minutes of the Community Committee Meeting held on 25 June 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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#### **10.10 MINUTES OF THE COUNCIL MEETING HELD ON 26 JUNE 2025**

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##### **RESOLUTION CL25-9.16**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 26 June 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
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2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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## **11 REPORTS**

9.38am Cr Henry entered the hui.

### **11.1 ITEM LYING ON THE TABLE – MEMBERSHIP OF THE 'LEADING FOR DELIVERY' SUB-COMMITTEE OF THE SMARTGROWTH LEADERSHIP GROUP**

Council considered a report dated 24 July 2025 from the Governance Manager. The Acting General Manager Strategy and Community provided the following points of clarification:

- The Terms of Reference previously put to Council for approval did not require adoption from the partner Councils.
- The recommendation only sought approval from Council to appoint Mayor Denyer as the Western Bay of Plenty District Council representative, and Deputy Mayor Scrimgeour as the alternative representative.
- If Council did not appoint a representative, they would not have any representation on the 'Leading for Delivery' Sub-Committee of the SmartGrowth Leadership Group.

The Mayor responded to pātai as follows:

- The Sub-Committee had already met informally.
  - The Sub-Committee did not have any substantial decision-making role. Its role was to encourage staff to progress particular work.
  - Formally, the Sub-Committee reported back to the SmartGrowth Leadership Group, noting that the agendas and minutes were open to the public. If the Mayor was approved as Council's representative, he would ensure he reported back through his Mayor's Report at appropriate Council meetings.
  - The Sub-Committee had the ability to co-opt representatives; it had approved a Tangata Whenua representative at its last hui.
  - The Mayor believed that alternative representatives had the ability to attend hui as they saw fit.
- 

## **MOTION**

Moved: Mayor Denyer

Seconded: Deputy Mayor Scrimgeour

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1. That the Governance Manager's report dated 24 July 2025, titled 'Item Lying on the Table – Membership of the 'Leading for Delivery' Sub-committee of the SmartGrowth Leadership Group', be received.
2. That Council confirms the appointment of Mayor James Denyer as the Western Bay of Plenty District Council representative to the Leading for Delivery Sub-committee, and Deputy Mayor John Scrimgeour as the alternative representative.

The motion was voted on and was declared lost on show of hands.

**LOST 4/8**

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## **11.2 LOCAL GOVERNMENT FUNDING AGENCY HALF-YEARLY REPORT TO 31 DECEMBER 2024 AND STATEMENT OF INTENT 2025–2028**

Council considered a report dated 24 July 2025 from the Financial Analyst. The General Manager Corporate Services provided a brief overview of the report and the recommendations therein.

Staff responded to pātai as follows:

- Theoretically, all Council debt was cross-securitising all other Councils' debt. However, the first course was through rates for a particular Council and ensuring that all Councils managed their balance sheets and profit and loss correctly.
  - Council had access to banks, however, if they went direct to the bank, Council would not get the best interest rates available.
  - Local Government Funding Agency (LGFA) had been performing well, noting that they paid Council a dividend which Council budgeted for, which formed part of Council's income sources other than rates.
  - As part of the Shareholder group, Council was part of the group that monitored LGFA organisational costs. The work that LGFA undertook did require specialised skills, noting that the Shareholder group monitored appointments as well.
  - Council borrowed based on their LGFA rates in conjunction with their Standard and Poor's Rating.
  - In relation to sustainability, there was high criteria in order to qualify for this loan, which effectively meant a lower borrowing rate. Staff acknowledged the concerns raised in relation to the sustainability requirement.
  - It was confirmed that Council had maintained their rating of AA with a negative outlook, as per previous rating from Standard and Poor's. They were complimentary in relation to Council's current performance. A full report in relation to this would be presented at the next Council meeting.
-

**RESOLUTION CL25-9.17**

Moved: Cr A Henry

Seconded: Cr T Coxhead

1. That the Financial Analyst's report dated 24 July 2025 titled 'Local Government Funding Agency Half-Yearly Report to 31 December 2024 and Statement of Intent 2025-2028' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council receives the Local Government Funding Agency Half-Yearly Report to 31 December 2024, included as **Attachment 1** to this report.
4. That Council receives the Local Government Funding Agency Statement of Intent 2025-2028, included as **Attachment 2** to this report.

**CARRIED**

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**11.3 CO-LAB HALF-YEARLY REPORT TO 31 DECEMBER 2024 AND STATEMENT OF INTENT 2025-28**

Council considered a report dated 24 July 2025 from the Financial Analyst. The General Manager Corporate Services provided a brief overview of the report and the recommendations therein.

Staff responded to pātai as follows:

- Staff still felt that Council was receiving value for money, noting that they utilised a number of Co-Lab workstreams.
  - There had been an agreement between the Local Authority Shared Services around the country that they would not overlap in services, therefore staff still felt there was value in being a part of both Co-Lab and BOPLASS.
  - In regard to the building consent processing hub, staff noted that there were great opportunities regarding the streamlining and efficiencies that would be available through the consent processes.
  - Within the Statement of Intent under Co-Lab Service Delivery, it was noted that Council should be identified as a participating Council within the Waikato Building Consent Group. Staff would request for this to be updated.
- 

**RESOLUTION CL25-9.18**Moved: Cr M Murray-Benge

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Seconded: Cr R Joyce

1. That the Financial Analyst's report dated 24 July 2025 titled 'Co-Lab Half-Yearly Report to 31 December 2024 and Statement of Intent 2025–26 to 2027–28' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council receives Co-Lab's Half-Yearly Report to 31 December 2024, included as **Attachment 1** to this report.
4. That Council receives the Co-Lab Statement of Intent 2025–28, included as **Attachment 2** to this report.

**CARRIED**

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#### **11.4 BOPLASS HALF-YEARLY REPORT TO 31 DECEMBER 2024 AND STATEMENT OF INTENT 2025–26 TO 2027–28**

Council considered a report dated 24 July 2025 from the Financial Analyst. The General Manager Corporate Services provided a brief overview of the report and the recommendations therein.

Staff responded to pātai as follows:

- Reporting on Environmental, Social and Governance (ESG) was not a requirement from Council.
- 

#### **RESOLUTION CL25-9.19**

Moved: Cr A Sole

Seconded: Deputy Mayor J Scrimgeour

1. That the Financial Analyst's report dated 24 July 2025 titled 'BOPLASS Half-Yearly Report to 31 December 2024 and Statement of Intent 2025–28' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council receives BOPLASS's Half-Yearly Report to 31 December 2024, included as **Attachment 1** to this report.
4. That Council receives the BOPLASS Statement of Intent 2025–28, included as **Attachment 2** to this report.

**CARRIED**

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**12 INFORMATION FOR RECEIPT**

Nil

**13 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION CL25-9.20**

Moved: Cr R Joyce

Seconded: Cr M Grainger

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>13.1 - Confidential Minutes of the Audit, Risk and Finance Committee Meeting held on 4 June 2025</b>	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.2 - Confidential Minutes of the Council Meeting held on 26 June 2025</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	<p>who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	
<b>13.3 - Acquisition of Land</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.4 - Recommendation to Award - Illegal Dumping and Litter Bins Contract</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>CARRIED</b>		

**The Meeting closed at 11.48am.**

**Confirmed as a true and correct record at the Council meeting held 4 September 2025.**

.....

Mayor J Denyer

**CHAIRPERSON / MAYOR**

**9.2 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 31 JULY 2025**

**File Number:** A6916728

**Author:** Rosa Leahy, Senior Governance Advisor

**Authoriser:** Robyn Garrett, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Strategy and Policy Committee Meeting held on 31 July 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

1. Minutes of the Strategy and Policy Committee Meeting held on 31 July 2025

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
STRATEGY AND POLICY COMMITTEE MEETING NO. SPC25-7  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 31 JULY 2025 AT 9.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 PRESENT

Mayor J Denyer, Cr M Grainger, Cr T Coxhead, Cr G Dally, Cr R Joyce, Cr M Murray-Benge, Cr L Rae, Deputy Mayor J Scrimgeour, Cr A Sole, Cr D Thwaites and Cr A Wichers

## 3 IN ATTENDANCE

E Watton (Acting General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), P Watson (Acting General Manager Infrastructure Group), M Leighton (Policy and Planning Manager), C McLean (Director Transportation), R Gallagher (Senior Policy Analyst), Q Cao (Road Safety Engineer), H Wi Repa (Governance Systems Advisor), R Garrett (Governance Manager) and R Leahy (Senior Governance Advisor)

## OTHERS IN ATTENDANCE

J Shepherd (Pirirākau Tribal Authority)

## 4 APOLOGIES

### APOLOGY

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### RESOLUTION SPC25-7.1

Moved: Cr R Joyce

Seconded: Cr A Sole

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That the apology for absence from Cr A Henry be accepted.

**CARRIED**

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## **5 CONSIDERATION OF LATE ITEMS**

Nil

## **6 DECLARATIONS OF INTEREST**

Nil

## **7 PUBLIC EXCLUDED ITEMS**

Nil

## **8 PUBLIC FORUM**

Nil

## **9 PRESENTATIONS**

Nil

## **10 MINUTES FOR CONFIRMATION**

### **10.1 MINUTES OF THE TE PUKE SPATIAL PLAN SUB COMMITTEE MEETING HELD ON 18 APRIL 2024**

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#### **RESOLUTION SPC25-7.2**

Moved: Cr A Wichers

Seconded: Cr G Dally

That the Minutes of the Te Puke Spatial Plan Sub Committee Meeting held on 18 April 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **11 REPORTS**

### 11.1 ADOPTION OF THE SPEED MANAGEMENT PLAN – ALTERNATIVE METHOD PROPOSAL

The Committee considered a report from the Acting Policy and Planning Manager dated 31 July 2025, who provided an overview of the report was provided.

Staff responded to pātai as below:

- It was not clear why NZTA Waka Kotahi had directed the variable speed limit zones to start further away in rural areas compared to urban areas. However, it was noted that in rural areas, drivers would have to reduce their speed from 80-100km/h to 30km/h and in urban areas 40-50km/h to 30km/h. A variable speed limit zone that expanded further away would enable drivers to reduce their speed before they approached the school.
- NZTA Waka Kotahi had confirmed that both Category 1 and 2 schools could have variable speed limit zones of 30km/h.
- It was anticipated that the new signs would be rolled out geographically beginning in one area and moving across the district. Once approval had been obtained from NZTA Waka Kotahi then the signs could be implemented.
- Once the alternative method proposal was submitted to NZTA Waka Kotahi, then council could apply for subsidy for the new signs.

The Committee expressed a desire for the new signs to be rolled out at eastern side of the District first, particularly Pongakawa School, as they had strongly advocated for a reduced speed limit.

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### RESOLUTION SPC25-7.3

Moved: Cr M Murray-Benge

Seconded: Cr L Rae

1. That the Acting Policy and Planning Manager's report dated 31 July 2025 titled "Adoption of the Speed Management Plan – Alternative Method Proposal" be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the Strategy and Policy Committee adopts the Alternative Method Proposal contained in **Attachment 1** subject to finalisation of the maps and implementation schedules.
4. That the Strategy and Policy Committee delegates to the Chief Executive the authority to make minor amendments to the Alternative Method Proposal to reflect any operational needs including timing of the variable speed limits and extent.

**CARRIED**

## 11.2 DELIBERATIONS AND ADOPTION OF THE KAIMAI RESERVE MANAGEMENT PLAN

The Committee considered a report from the Senior Policy Analyst dated 31 July 2025, who provided an overview of the report.

Staff responded to pātai as below:

- Interpretation signs would be provided at reserves where appropriate, noting that not every reserve would have an interpretation panel as there needed to be a certain level of interest. It was noted that there could also be an option to provide QR codes which would direct people to a digital format where information about the reserve would be available.
- There were very few parcels of land in the district that had been bequeathed to council as a reserve.
- Maramatanga Park was obtained through a sale and purchase agreement.
- There was no specific funding targeted for signage at Josephine Place Reserve, signage for reserves would be targeted as some smaller reserves may not require extensive signage.
- In relation to the naming of Jack Lloyd Reserve, staff provided a letter to the Committee from the family of Jack Ormsby. The letter provided the historical context about the reserve and stated that the family requested the name of the reserve be called 'Jack Lloyd Reserve'.
- The level of service for weed management in reserves was to control the plants recognised as a weed under the Bay of Plenty Regional Pest Strategy. This meant that weeds like woolly nightshade and wild ginger had to be removed from reserves in the district.
- There were no significant advantages or disadvantages to adopting the proposed changes to the Kaimai Reserve Management Plan in relation to Precious Family Reserve.
- The Gerald Crapp Historic Reserve contained a significant pā site, 'Wai-Huri Pā,' and other parts of the reserve were previously farm land owned by Gerald Crapp.
- The bridge at Kaiate Falls that had previously been washed downstream had been removed and had since been replaced at a higher elevation.
- In relation to governance, planning and cultural recognition, the use of the word 'kaitiaki' for 'kaitiaki training' was the correct terminology.

The Pirirākau representative provided the following clarification:

- The name Wahi ō te Ōturu referred to three sister strands of the Ōturu stream which spread across the catchment. There was a kōrero that allowed for all tributaries of Ōturu to be part of that stream.
- Many of the names offered by Pirirākau expanded across large areas. The original name for Josephine Place Reserve was Mangawhai and this included the nearby pā site. The name Wāhi ō Te Mangawhai referred to the site in a larger context.

- There were three large pā sites in the vicinity of Josephine Place Reserve, Pirirākau collectively considered them as 'Mangawhai'.

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#### RESOLUTION SPC25-7.4

Moved: Cr R Joyce

Seconded: Cr A Sole

1. That the Senior Policy Analyst's report dated 31 July 2025, 'Deliberation and Adoption of the final Kaimai Reserve Management Plan' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the Strategy and Policy Committee receives the summary of all written and verbal feedback from the formal consultation period held between 11 March and 11 May 2025, as set out in the document titled 'Summary of Submissions', shown as **Attachment 4** of the agenda report.

**CARRIED**

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#### RESOLUTION SPC25-7.5

Moved: Cr M Grainger

Seconded: Cr T Coxhead

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

##### **Issue 1.1 – Proposed Reserve Naming**

- (a) That the Strategy and Policy Committee approves the following reserve names:

5. Josephine Place Reserve

**CARRIED**

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Reasons for decision:

- Concerns over the duplication of the name of a reserve.
- The Committee preferred to name the reserve after the adjoining street.

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#### MOTION

Moved: Cr T Coxhead

Seconded: Cr M Murray-Benge

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 1.1 – Proposed Reserve Naming**

- (a) That the Strategy and Policy Committee approves the following reserve names:

8. l’Anson Bush Reserve

The motion was voted on and declared lost.

**LOST**

Cr G Dally abstained from voting.

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**RESOLUTION SPC25-7.6**

Moved: Mayor J Denyer

Seconded: Cr D Thwaites

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 1.1 – Proposed Reserve Naming**

- (a) That the Strategy and Policy Committee approves the following reserve names:

8. l’Anson Bush Reserve – Wāhi ō Te Ōturu

**CARRIED**

Cr M Murray-Benge and Cr T Coxhead voted against the motion and asked for their votes to be recorded.

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Reasons for decision:

- A dual name recognises both the l’Anson family who gifted the land and the significance to Mana Whenua.
  - Recognises that the reserve is already known by the name l’Anson Bush Reserve by the community.
-

**RESOLUTION SPC25-7.7**

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 1.1 – Proposed Reserve Naming**

- (a) That the Strategy and Policy Committee approves the following reserve names:

1. Bramley Reserve
2. Kowhai Reserve
3. Kuaka Rise Reserve
4. Wāhi ō Te Kakaramea
7. Wāhi ō Te Hakao
9. Wāhi ō Te Tawa ki Tahataharoa

**CARRIED**

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Reasons for decision:

- Recognises names that are significant to Mana Whenua and the community.
  - Acknowledges the aspirations of Tangata Whenua to have a cultural presence across the reserves network
  - Resolves the confusion of having two reserves known as Lynley Park Drive Reserve.
  - Is consistent with the reserve naming policy
- 

**RESOLUTION SPC25-7.8**

Moved: Cr D Thwaites

Seconded: Cr G Dally

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

That the Strategy and Policy Committee approves retention of the following reserve names:

1. Te Puna Quarry Park.
  2. Minden Lookout
-

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**And** that the reserve management approach information for Te Puna Quarry Park is updated as follows:

- Work with Tangata Whenua and interested parties on developing cultural presence initiatives (for example art works, sculptures, interpretation signage, etc) in the reserve.

**And** that the reserve management approach information for Minden Lookout is updated as follows:

- Delete the reference to renaming the lookout to 'Waihi o Te Rangituanehu'.

**CARRIED**

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Reasons for decision:

- Recognises names that are significant to the community.
- Is consistent with the reserve naming policy
- Can reflect the name Te Rangituanehu within the Minden Lookout reserve and provide an opportunity for storytelling.

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10.30am The hui adjourned.

10.45am The hui reconvened.

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### RESOLUTION SPC25-7.9

Moved: Cr M Murray-Benge

Seconded: Cr D Thwaites

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 1.1 – Proposed Reserve Naming**

(a) That the Strategy and Policy Committee approves the following reserve names:

6. Jack Lloyd Reserve

**CARRIED**

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Reasons for decision:

- Recognise a name that is significant to the community.
- Reflects the name gifted by the family who sold the land to council.

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### RESOLUTION SPC25-7.10

Moved: Cr R Joyce

Seconded: Cr L Rae

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 2.1 – Pest Management Policy (Policy 28)**

- (a) That the Strategy and Policy Committee replaces the Pest Management Policy with the following:

Council aims to work strategically with the community to manage pest animals and plants on its reserves. To help ensure pest control efforts contribute to positive environmental outcomes, reserves may be prioritised based on a range of ecological and community-based considerations.

Reserves will be selected by the Reserves and Facilities Manager using criteria such as the presence of wetlands, active volunteer involvement, designation as high-priority biodiversity sites or significant ecological features, threats to indigenous biodiversity from pests, the presence of “at risk” or “threatened” native species, and the existence of community-led pest control initiatives. Priority will also be given to protecting habitats that support biodiversity and ecological resilience.

Council’s approach is guided by the Bay of Plenty Regional Pest Management Plan and the relative level of threat posed by pest species. This work is expected to be further supported by the developing Pest Free Parks Strategy, which aims to provide a framework for Council, Tangata Whenua, and the wider community to collectively enhance biodiversity outcomes. This includes consideration of available resources, capacity and capability, and alignment with other areas of Council’s service delivery.

Council will continue to support and recognise the contribution of volunteers through coordination and sustainable funding, and may also support education, signage, and community outreach to raise awareness and encourage responsible pest management practices.

**CARRIED**

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Reasons for decision:

- To provide flexibility to manage pest control based on ecological priorities, resourcing and community involvement.
  - Aligns better with the Regional Pest Management Plan
  - Reflects how we are already delivering pest management
  - Acknowledges the role of Tangata Whenua, volunteers and community education – addressing the feedback from some submitters.
- 

## RESOLUTION SPC25-7.11

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

### **Issue 4.2 – Kaimai Views Reserve**

(a) That the Strategy and Policy Committee amends the reserve specific information for Kaimai Views Reserve in the Kaimai Reserve Management Plan as follows:

- Continue working with the Friends of Kaimai Views community group to restore and maintain the reserve;
- Develop a concept plan to enhance the reserve for recreational use (subject to future community consultation and design). Preliminary ideas include:
  - Additional amenity planting
  - New or upgraded trail connections including potential pond crossing
  - Improved way-finding and interpretive signage
  - New playground on the western side of the reserve
  - Formal car parking at Sentinel Avenue side of Parcel 1207/345

**CARRIED**

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Reasons for decision:

- Responds to the needs of the neighbourhood.
  - Allows us to meet our levels of service for this neighbourhood.
  - Formally recognises continuing to work with the Friends of Kaimai Views community group.
-

**RESOLUTION SPC25-7.12**

Moved: Cr M Grainger

Seconded: Cr D Thwaites

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 4.6 – Ōmokoroa Domain and Esplanade**

- (a) That the Strategy and Policy Committee amends the reserve specific information for Ōmokoroa Domain and Esplanade in the Kaimai Reserve Management Plan as follows:

- Review the concept plan to consider whether it is fit for purpose and to consider toilets, parking and any access issues.
- Place a note on the concept plan to state that items in the concept plan may differ as it is implemented.

**CARRIED**

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Reasons for decision:

- A review of the concept plan can canvas the issues with the community further and establish whether changes are required to the concept plan.
  - Allows us to establish the extent of the limitations with the current concept plan.
  - Provides clarity that the concept plan may differ in implementation.
- 

**RESOLUTION SPC25-7.13**

Moved: Cr M Murray-Benge

Seconded: Cr R Joyce

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 4.7 – Ōmokoroa Sports Ground**

- (a) That the Strategy and Policy Committee amends the reserve specific information for Ōmokoroa Sports Ground in the Kaimai Reserve Management Plan as follows:

- Has been identified as a potential new site for the Ōmokoroa Bowling Club and other low-impact sports (subject to feasibility and community feedback) to be considered through the development and acquisition of
-

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the Active Reserve.

- Place a note on the concept plan to state that items in the concept plan may differ as it is implemented

**CARRIED**

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Reasons for decision:

- Responds to some of the issues raised by submitters
  - Subject to feasibility and community feedback it is a potential location for the Ōmokoroa Bowling Club and other low impact sports, which would provide some certainty to the club.
  - Provides clarity that the concept plan may differ in implementation.
- 

### RESOLUTION SPC25-7.14

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

#### **Issue 4.8 – Precious Family Reserve**

(a) That the Strategy and Policy Committee amends the reserve specific information for Precious Reserve in the Kaimai Reserve Management Plan as follows:

- Maintain the reserve for its ecological character and for passive recreation.
- Work with the community to support expanded wetland planting and low-impact ecological enhancements.
- Implement improvements to the Mabs Kelly walkway/cycleway by addressing safety concerns and resurfacing.
- Place a note on the concept plan to state that items in the concept plan may differ as it is implemented.

**CARRIED**

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Reasons for decision:

- Responds to some of the issues raised by submitters
  - Formally recognises the importance of working with the community to support the expansion of wetland planting.
  - Provides clarity that the concept plan may differ in implementation.
-

- 
- Improvements to trail surfaces will address the safety concerns raised by submitters.
- 

### RESOLUTION SPC25-7.15

Moved: Cr R Joyce

Seconded: Cr L Rae

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

#### **Issue 4.11 – Memorial Wall and Gerald Crapp Historic Reserve**

- (a) That the Strategy and Policy Committee amends the reserve specific information for Gerald Crapp Reserve in the Kaimai Reserve Management Plan as follows:
- Has been identified as a potential site for a Memorial Wall (subject to feasibility and community feedback)

**CARRIED**

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Reasons for decision:

- Provides a potential location for a Memorial Wall and allows the engagement with the community to continue.
- 

### RESOLUTION SPC25-7.16

Moved: Mayor J Denyer

Seconded: Cr D Thwaites

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

#### **Issue 5.1 – l'Anson Bush Reserve – Wāhi ō Te Ōturu**

- (a) That the Strategy and Policy Committee amends the reserve specific information for l'Anson Bush Reserve - Wāhi ō Te Ōturu in the Kaimai Reserve Management Plan as follows:
- Investigate applying an appropriate reserve classification (i.e. Nature Reserve), which supports ecological protection and low-intervention management of the reserve once the transfer of the reserve is complete;
  - Continue working with the Friends of l'Anson community group to restore and maintain the reserve;
  - Consider new future amenities and facilities. Such as:

- 
- Additional bench seating
  - Track repairs and surface refurbishments
  - Path extension to the existing Loop Road car park
  - Car park CCTV camera

**CARRIED**

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Reasons for decision:

- Formalises the relationship with the Friends of l'Anson Bush Reserve.
- Classifying the reserve as a Nature Reserve is appropriate to recognise the importance of protecting the flora and fauna found in this reserve.
- Responds to the safety concerns of the submitters

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### RESOLUTION SPC25-7.17

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 5.3 – Maramatanga Park**

- (a) That the Strategy and Policy Committee amends the reserve specific information for Maramatanga Park in the Kaimai Reserve Management Plan as follows:

- Consider new amenities and facilities for the playground area, such as:
  - Drinking fountain
  - Rubbish bin
  - BBQ
  - Toilets

**CARRIED**

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Reasons for decision:

- Responds to the needs of the community
- Recognises the increased activity at the park due to the installation of the playground.
- The existing toilets are in the club rooms on the opposite side of the park and are usually locked.
- Picnic tables and BBQs would improve the experience and allow families to spend more time at the park.

**RESOLUTION SPC25-7.18**

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 6.1 – Ongaonga Scenic Reserve, Lower Kaimai Reserve, Lower Kaimai Hall site (Former)**

- (a) That the Strategy and Policy Committee amends page 13 of the Kaimai Reserve Management Plan as follows:

“The Poripori Road Picnic Area provides a peaceful spot for relaxation and swimming, while Ongaonga Scenic Reserve offers virgin native bush and the potential to be developed for hiking and bird watching.”

**AND**

Update the reserve specific information in the Kaimai Reserve Management Plan as follows:

Ongaonga Scenic Reserve include:

- Work with the Lower Kaimai community to restore and maintain the reserve
- Consider development of new tracks and footbridges within the reserve

Lower Kaimai Reserve include:

- Consider a potential boundary adjustment of land parallel with Ngamuwahine Road to connect trails to Ongaonga Scenic Reserve.

Lower Kaimai Hall Site (Former) include:

- Consider potential divestment of the site with proceeds used to support strategic upgrades to reserves in the Lower Kaimai area.

**CARRIED**

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Reasons for decision:

- Responds to the concerns and aspirations raised by submitters
  - Provides improved access to the Ongaonga Scenic Reserve
  - Assists with pest management
  - Recognises the importance of working with the community.
-

**RESOLUTION SPC25-7.19**

Moved: Cr G Dally

Seconded: Cr M Grainger

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 7.1 – Kaiate Falls Scenic and Esplanade Reserve**

- (a) That the Strategy and Policy Committee amends the reserve specific information in the Te Puke Maketu Reserve Management Plan for Kaiate Falls Scenic and Esplanade Reserve as follows:

- Consider new future amenities and facilities. Such as:
  - Additional picnic tables
  - Improved toilet facilities

**CARRIED**

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Reasons for decision:

- Provides improved amenity to the reserve.
  - No significant increase in costs for Council to include services that currently are unavailable at the reserve.
- 

**RESOLUTION SPC25-7.20**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 7.2 – Kaiate Hall**

- (a) That the Strategy and Policy Committee amends the reserve specific information in the Kaimai Reserve Management Plan to remove all reference to Kaiate Hall and refer the submissions to the Department of Conservation for their consideration.

**CARRIED**

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Reasons for decision:

- Provides a clear position to the community that Council does not manage this reserve.
-

**RESOLUTION SPC25-7.21**

Moved: Mayor J Denyer

Seconded: Cr M Grainger

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 7.3 – Oropi Memorial Hall**

- (a) That the Strategy and Policy Committee amends the reserve specific information for Oropi Memorial Hall in the Kaimai Reserve Management Plan as follows:

- Continue working with the Oropi Settlers Incorporated on development of indoor sports facilities at this site, subject to feasibility work and funding.

**CARRIED**

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Reasons for decision:

- Responds to the needs of the community
  - Recognises the work of the Oropi Settlers Incorporated
- 

**RESOLUTION SPC25-7.22**

Moved: Cr R Joyce

Seconded: Cr M Grainger

4. That the Strategy and Policy Committee adopts the Kaimai Reserve Management Plan, shown as **Attachments 2 and 3** of the agenda report, and inclusive of the following:

**Issue 8.2 – Governance, Planning and Cultural Recognition**

- (a) That the Strategy and Policy Committee amends the Kaimai Reserve Management Plan as follows:

To include in the Kaimai Ward community groups, committees and stakeholders the following:

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- Pirirākau is a hapū with a large rohe extending from the Wairoa River in the east to the Aongatete River in the west, including Te Puna, Minden, Whakamārama, Ōmokoroa, Hūharua (Plummers Point), Pahoia, Apata, and Aongatete. Pirirākau holds enduring kaitiakitanga responsibilities across these areas, providing cultural leadership in reserve naming, cultural site identification, pest management support, and environmental restoration activities.
- Pirirākau actively engages with both Council and the wider community through reserve planning processes, cultural narrative development, collaborative planting and restoration projects, and pest control initiatives. They work alongside community organisations such as Ōmokoroa Pest Free, Omokoroa Environmental Managers Inc, Friends of the Blade, Whakamārama Community Inc, and Te Puna Heartlands, supporting shared outcomes in environmental protection and cultural education. Their involvement also includes kaitiaki training, environmental education projects, and hapū-led site visits to culturally significant areas.

**AND**

Reserve specific information for the following reserves in the Kaimai Reserve Management Plan:

- Kotuku Reserve – “work with Pirirākau to acknowledge, preserve and maintain cultural heritage values of the area including investigation to apply Historical Classification to the urupā site.”

**CARRIED**

Reasons for decision:

- Recognises the contribution that Pirirākau make to the Kaimai Ward community.
- Recognises the significance of the reserve to Tangata Whenua and its history.

**RESOLUTION SPC25-7.23**

Moved: Mayor J Denyer

Seconded: Cr A Sole

5. That the indicative costs to implement future capital projects contained within the Kaimai Reserve Management Plan to be referred to the Annual Plan 2026/27 and Long Term Plan 2027-37 for consideration.
6. That the Strategy and Policy Committee requests the Chief Executive to direct staff to prepare a decision story in general accordance with resolutions of this meeting for approval by the Mayor, as the formal response to submitters and for dissemination to those that provided feedback as the response to their feedback, and to be published on the Council’s website.

- 
7. That the Chief Executive is authorised to make any required minor editorial changes to the final Kaimai Reserve Management Plan.

**CARRIED**

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### **11.3 SUBMISSION ON THE BUILDING & CONSTRUCTION (SMALL STAND-ALONE DWELLINGS) AMENDMENT BILL**

The Committee considered a report from the Environmental Planning Manager dated 31 July 2025. The report was taken as read.

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#### **RESOLUTION SPC25-7.24**

Moved: Cr R Joyce

Seconded: Deputy Mayor J Scrimgeour

1. That the Environmental Planning Manager's report dated 31 July 2025, titled 'Submission on the Building & Construction (Small Stand-alone Dwellings) Amendment Bill', be received.
2. That the following submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.
  - a. Submission on the Building and Construction (Small Stand-along Dwellings) Amendment Bill dated 23 June 2025.

**CARRIED**

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### **11.4 SUBMISSIONS ON AOTEAROA NEW ZEALAND BIODIVERSITY STRATEGY AND PREDATOR FREE 2050**

The Committee considered a report from the Senior Policy Analyst dated 31 July 2025. The report was taken as read.

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#### **RESOLUTION SPC25-7.25**

Moved: Mayor J Denyer

Seconded: Cr A Wichers

1. That the Senior Policy Analyst's report dated 31 July 2025 titled 'Submissions on Aotearoa New Zealand's Biodiversity Strategy and Predator Free 2050' be received.
-

2. That the following submissions, shown as **Attachment 1** and **Attachment 2** (respectively) to this report, be received by the Strategy and Policy Committee and the information noted.
- a. Submission on Implementing Aotearoa New Zealand's Biodiversity Strategy 2025-2030; and
  - b. Submission on Predator Free 2050 Strategy Review (2025-2030).

**CARRIED**

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## **12 INFORMATION FOR RECEIPT**

Nil

**The Meeting closed at 11.44am.**

**Confirmed as a true and correct record by Council on 5 September 2024.**

**9.3 MINUTES OF THE COUNCIL MEETING HELD ON 5 AUGUST 2025**

**File Number:** A6919857

**Author:** Pernille Osborne, Senior Governance Advisor

**Authoriser:** Robyn Garrett, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 5 August 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**ATTACHMENTS**

1. Minutes of the Council Meeting held on 5 August 2025

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL25-10  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON TUESDAY, 5 AUGUST 2025 AT 9.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 PRESENT

Mayor J Denyer, Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr L Rae, Cr A Sole, Cr D Thwaites and Cr A Wichers.

## 3 IN ATTENDANCE

M Taris (Interim Chief Executive Officer), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), E Watton (Acting General Manager Strategy and Community), P Watson (Acting General Manager Infrastructure Services), J Fearn (Chief Financial Officer), M Leighton (Policy and Planning Manager), K Little (Operations Manager), R Garrett (Governance Manager), C Nepia (Strategic Kaupapa Māori Manager), L Balvert (Communications Manager), E Wentzel (Director Water Services), A King (Legislative Reform and Special Projects Strategic Advisor), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

## OTHERS IN ATTENDANCE

### Tangata Whenua

Dr Hauata Palmer, Riria Murray and Nessie Kuka (Ngāi te Rangi – Matakana Island)

Destiny Leaf (Ngāti Ranginui)

Darlene Dinsdale (Ngāti Whakaue)

### MartinJenkins

Sarah Baddley

**VIA ZOOM****MartinJenkins**

Aaron Gabbie

**Department of Internal Affairs (DIA)**

Vanessa Blacklock and Jaron Shaw

**4 APOLOGIES**

Nil

**5 CONSIDERATION OF LATE ITEMS**

Nil

**6 DECLARATIONS OF INTEREST**

Nil

**7 PUBLIC EXCLUDED ITEMS**

Nil

**8 PUBLIC FORUM****8.1 DARLENE DINSDALE - LOCAL WATERS DONE WELL**

Ms Dinsdale was in attendance to speak on behalf of Te Arawa regarding the proposed Water Services Delivery Plan and Commitment Agreement. She noted the following points:

- Their preferred option was for Council to stand alone (in-house), however acknowledged that this option may not be as feasible.
- Their second option would be to have a joint Council Controlled Organisation (CCO) with Tauranga City Council (TCC).
- Iwi/hapū did not believe that the key strategic principles within the Commitment Agreement sufficiently met the needs of Tangata Whenua. They requested inclusion into the development of the Commitment Agreement.
- Iwi/hapū would also like to be involved in the governance of the water entity, noting that the required skills were held by iwi/hapū.
- Acknowledgement was made to the unresolved treaty settlement claims that had been going on for many years, which meant that the option to include Thames-Coromandel District Council (TCDC) should not be considered as an option. They stood alongside and supported their Tauranga Moana whānau in relation to this.

Ms Dinsdale responded to pātai as follows:

- There would be division between Council and Iwi/hapū if they were to form a CCO with TCDC.
  - Iwi/hapū were kaitiaki of the land and therefore wore a lens that allowed them to ensure that the best decisions in relation to the land were being made.
- 

## **8.2 DR HAUATA PALMER AND NESSIE KUKA – LOCAL WATERS DONE WELL**

Dr Palmer and Ms Kuka were in attendance on behalf of Ngāi te Rangī (Matakana Island) regarding the proposed Water Services Delivery Plan in relation to Local Waters Done Well. They noted the following points:

- They did not understand the logic behind having TCDC involved in the decisions that sat within the Tauranga Moana rohe.
- Tauranga Moana iwi had been debating and trying to resolve treaty settlement issues for 16 years. The Waitangi Tribunal had said that Hauraki had a right within Tauranga Moana, however it did not give them the right to make decisions on behalf of Tauranga Moana. This is the reason that they did not accept Hauraki being a part of any decision making on behalf of Tauranga Moana.
- There were 12 iwi in Hauraki and 3 iwi in Tauranga Moana. The iwi being engaged with in relation to the Council decisions should be the iwi of the land, which was Tauranga Moana and Te Arawa.
- Ngāi te Rangī made it clear that they would not engage with Council if Hauraki iwi were brought to the decision-making table.

They responded to pātai as follows:

- There was a clear message to Councillors at a previous informal hui with Tangata Whenua in relation to this issue, that there had been a manifestation of Hauraki coming into the rohe and wanting to sit at the decision-making table to have a bigger voice.
  - Tangata Whenua had undertaken a lot of work in relation to the Katikati Outfall project, noting that bringing TCDC into the equation would create massive difficulties.
  - Anyone could own land in Tauranga Moana; however, this did not give them the right to have Mana Whenua over the land.
  - Even if Council had the ability through the foundational documents to ensure that Hauraki could not be involved in the decisions in Tauranga Moana, the iwi/hapū would not be OK with them sitting at the table, given the history between the two.
- 

## **9 PRESENTATIONS**

### **CHANGE TO ORDER OF BUSINESS**

The Mayor requested that the presentation from Thunder Ridge be moved to the confidential agenda, to allow discussion on topics that were commercially sensitive at this time.

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### RESOLUTION CL25-10.1

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

That in accordance with Standing Orders the order of business be changed and that the item 9.1 Thunder Ridge Update be dealt with as the first item of business in the confidential agenda.

**CARRIED**

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## 10 REPORTS

### 10.1 ADOPTION OF THE WATER SERVICES DELIVERY PLAN

Council considered a report from the Strategic Advisor who was supported by the General Manager Corporate Services and Sarah Baddley (MartinJenkins). She provided an overview of the report, including the background of the process to date, and recommendations being sought for Council's consideration.

Tabled Item 1 – The Water Services Delivery Plan was provided separately to the agenda.

Staff and Ms Baddley responded to pātai as follows:

- The legislation restricts shareholders to be only the Council, causing concerns for some iwi. However, it allows local Councils to create representative structures to influence shareholder decisions. Various approaches are used: some Councils work directly with iwi using existing mechanisms, others collaborate in representative forums jointly with iwi, some involve iwi directly depending on treaty settlements, and others have iwi participate in a nominating sub-committee to select the board of Council-Controlled Organisations (CCOs). These examples demonstrated the varied ways Councils were collaborating with Tangata Whenua.
  - The Council needed to decide how flexible they would be in forming their shareholder position by considering various options, such as sub-committee arrangements, the full council body, or partnership with iwi. This decision would guide their shareholder interest in the Council-Controlled Organisation (CCO) and influence specific decisions the CCO made, primarily through the Statement of Expectations. Additionally, during the setup of a CCO, the Council could establish expectations for how the CCO should engage with Tangata Whenua and continue existing consenting relationships.
-

- In the future it would be expected that Council, as shareholders, would have a direct relationship with Tangata Whenua, and that Tangata Whenua would have a direct relationship with the CCO.
  - There were expectations regarding a joint water CCO's role in upholding Treaty Settlements. Despite legislative requirements to honour these settlements, iwi representatives expressed concerns due to ongoing cross-claim issues. They felt that these issues were insurmountable because historically they had not been addressed with the good faith they expected.
  - There were a number of mechanisms, from governance and operations through to Treaty Settlements, that were available to council to work with Tangata Whenua, noting that this could happen through both the stand-alone option and CCO option.
  - To help understand the story in relation to depreciation, Ms Baddley provided some context from the original discussions:
    - When MartinJenkins were initially engaged, financial ring-fencing was being introduced, highlighting that the Council's historical approach involved a balanced budget, funding the Capital Programme from a broader revenue base. Unlike other councils that depreciated assets over time, ring-fencing required water assets to be independent. Consequently, the Council's approach of balancing 'unders and overs' was no longer feasible, explaining why the previous funding and financing method for water infrastructure was unsustainable and made the treatment of depreciation policy more challenging.
    - How Council was currently treating depreciation was the same way that the new entity would do it, however due to different circumstances it would work for the Water Service Organisation (WSO). It was clarified that Council was using money from other activities e.g. swimming pools, libraries and rates, whereas ring-fencing meant that the WSO would only be able to use water money.
  - When MartinJenkins was first engaged, it was unclear how Financial Contributions (FinCos) would be treated.
  - The LGFA had indicated an increased tolerance for debt from dedicated Water Services Organisations, due to viewing them as a utility.
  - It was clarified that the 500% net debt to operating revenue percentage was not a covenant, but rather a prudent limit.
  - As previously advised, the stand alone CCO option was technically feasible for Council, noting that Council could achieve financial sustainability by extending loans, materially increasing Council's revenue (through rates) in the near term to better match its capital programme, and by de-risking other parts of Council's investment plans.
-

- The provision of the LGFA was for councils not to have more than 20% of their total borrowing to growth councils. They would assess this regime on a case-by-case basis, noting that only two councils had approached them, which was Tauranga City Council (TCC) and Waipa. Western Bay of Plenty District Council (WBOPDC) had not had to approach the LGFA in relation to this, as they had not yet reached borrowing capacity.
- Ring-fencing was a provision that was discussed as part of the formation of the CCO. There would then need to be a joint decision by councils who were a part of the CCO as to whether the ring-fencing requirement should be removed in the future.
- Due to staff being given direction to date of the preferred model being a multi-council CCO, the work had not been done in relation to the borrowing constraints if Council were to go with the in-house option. It was noted however that there would need to be other considerations due to Council not being able to include some of the revenue, for example FinCos, which would therefore affect the borrowing.
- The financial strength of a multi-council approach was over the long term, due to the complementary balance sheet and investment profile between TCDC and WBOPDC. Regarding the short-term impact, the household impact would not be huge, due to the assumption that there would be a five year period where the numbers were not harmonised. The benefits of having TCDC in the arrangements were over the long-term period.
- Currently Council had three settings under which they did their borrowing, 10 year (for short term assets), 25 year or 30 year loan periods. This was based off policy settings of Council.
- Before outlining options for the Council, Ms. Baddley recognised that iwi might not find these acceptable due to views expressed during the public forum. Iwi and Māori typically had a profound interest in water from a Te Ao Māori perspective and would likely seek involvement from governance to operations in water management, from strategy to implementation. There were mechanisms available to address some of these interests which were noted as the following:
  - Options at a governance level were spoken to earlier, Council could consider the requirement of Te Ao Māori and Treaty-based competency of board directors for the Water Service Organisation.
  - The next layer related to Treaty settlements, noting that this was the only statutory obligation that was prescribed in any detail within the legislation. The legislation was clear that Councils must give effect to Treaty settlements, but not how this was done, noting that there were different mechanisms that could be put in place to achieve this.
  - Regarding overlapping iwi interests and boundary contests, staff could not address the years of disputes in this area. Relationship-based mechanisms

included understanding specific cross-claims and recognising them through existing consenting processes with Bay of Plenty Regional Council.

- Influence over management decisions was primarily through the Board's competency and Tangata Whenua's potential involvement in the Statement of Expectation (SOE). A Water Services Organisation was expected to maintain organisational capability concerning local Tangata Whenua issues and mātauranga.
- The final process was about how to bring all these mechanisms together, however the decision in front of Council today was regarding who to partner with. The significance process in relation to the designing of these details would happen afterwards.

The DIA representatives responded to pātai as follows:

- The government passed legislation of the new Local Water Done Well Policy and the legislative framework around it. Central Government had policy positions and was encouraging financially sustainable water arrangements, and councils forming these through stand alone water entities or through joining with other councils.
- Representatives were not in the position to comment on the feeling expressed by some Councillors in relation to requirements making it harder on Councils trying to do 'local waters well'. The Mayor noted that the policy position of the government was for water services to move on the path of aggregation.
- Local Water Done Well was a priority position for the government when they took office.
- The DIA was aware of other situations with Mana Whenua through the consultation period, however those were quite different to what had been expressed by iwi/hapū from Tauranga Moana. The other situations included the need for the different councils within the grouping to work through obligations, relationships, and undertakings with their iwi/hapū through the foundation documents, as part of the due diligence phase.
- The multi-council CCO structure was viewed as being more cost effective both operationally and improving access to financing. DIA believed the conservative approach to operational efficiencies (10% over the 10-year period) was imminently achievable.
- The scale would give the multi-council CCO financing efficiency, therefore from a Local Government Funding Agency (LGFA) lending perspective, they took the size of the organisation into account when determining the Funds From Operations (FFO) to debt ratio, which was the bespoke lending covenant they had developed for water services CCOs.
- The LGFA and DIA's view was that due to the FFO to debt covenants developed for Water Services CCOs, those water organisations were able to take a more utility

approach to financing where the debt was spread out and repaid over a longer period of time. This meant that the burden did not disproportionately fall on ratepayers today but was spread over the lifetime. This “sweet spot” for debt payment could still be worked through as a key consideration, alongside partner councils, if Council decided to progress with a multi-council CCO.

- The LGFA would allow up to five years to reach the financial ratio covenants for a CCO only, not if councils decided to go in-house.
- The DIA’s role was to receive and review the Water Services Delivery Plans, and the secretary of Local Government had a statutory role to accept the plans, seek further information, or request amendment by Council. The secretary also had a monitoring role in relation to the implementation of the Water Services Delivery Plan.
- It was clarified that the Commerce Commission was being given powers through the Bill before the house, to be the on-going economic regulator. They would be implementing an information disclosure regime that allowed them to review whether a council was under or over charging, or not investing enough into their infrastructure. They also had a range of powers available to intervene beyond information disclosure. This included setting non-binding revenue thresholds, and the ability to seek powers through the Minister, associated with price quality regulation, which would allow them to mandate a price or investment path. It was clarified that these powers could be sought whether in-house or through a CCO.

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## RESOLUTION CL25-10.2

Moved: Cr R Joyce

Seconded: Cr M Grainger

1. That the Strategic Advisor’s report dated 5 August 2025 titled ‘Adoption of the Water Services Delivery Plan’ be received.
2. That the report relates to an issue that is considered to be of **high** significance in terms of Council’s Significance and Engagement Policy.

**CARRIED**

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11.26am The hui adjourned.

11.48am The hui reconvened.

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## MOTION

Moved: Cr Murray-Benge

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Seconded: Cr Rae

3. (a) Approves the water services delivery model for water, wastewater and stormwater services to be:
- i. In-house

The motion was voted on and a division was called and recorded as follows:

For: Cr Murray-Benge, Cr Sole, Cr Rae, Cr Coxhead, Cr Henry and Cr Grainger.

Against: Cr Thwaites, Cr Joyce, Cr Wichers, Cr Dally, Deputy Mayor Scrimgeour and Mayor Denyer.

The Mayor exercised his casting vote and voted against the motion. The motion was declared lost.

**LOST 7/6**

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### **RESOLUTION CL25-10.3**

Moved: Cr R Joyce

Seconded: Cr D Thwaites

3. (a) Approves the water services delivery model to be:
- ii. Water Organisation

**CARRIED**

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### **RESOLUTION CL25-10.4**

Moved: Cr R Joyce

Seconded: Cr G Dally

3. (b) Approves the Water Organisation being:
- ii. Multi-Council Water Organisation, subject to all the partner Councils being satisfied with the results of the Due Diligence process.

The motion was voted on and a division was called and recorded as follows:

For: Cr Thwaites, Cr Joyce, Cr Wichers, Cr Dally, Cr Sole, Cr Grainger, Deputy Mayor Scrimgeour and Mayor Denyer.

Against: Cr Murray-Benge, Cr Henry, Cr Rae and Cr Coxhead.

**CARRIED 8/4**

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**RESOLUTION CL25-10.5**

Moved: Cr R Joyce

Seconded: Cr A Henry

3. (c) Approved the Multi-Council Water Organisation being:
- i. Initially with Tauranga City Council subject to Tauranga City Council's approval of a corresponding resolution.

The motion was voted on and a division was called and recorded as follows:

For: Cr Thwaites, Cr Joyce, Cr Wichers, Cr Dally, Cr Henry, Cr Grainger, Deputy Mayor Scrimgeour and Mayor Denyer.

Against: Cr Murray-Benge, Cr Sole, Cr Rae and Cr Coxhead

**CARRIED 8/4**

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**MOTION**

Moved: Cr Dally

Seconded: Cr Sole

3. (d) During the Due Diligence phase, engage with Rotorua Lakes District Council, Whakatane District Council, Opotiki District Council and Kawerau District Council formally inviting their consideration of joining the Water Organisation either from the initial start date, or at a later date.

The motion was put and declared lost on show of hands.

**LOST**

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1.28pm The hui adjourned.

1.56pm The hui reconvened.

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There was further discussion required in reference to stormwater within the Water Services Delivery Plan. It was clarified that the proposed recommendation was specific due to the staff requiring a clear view from Council in order to undertake the financial analysis, including or excluding stormwater.

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It was noted that at this time the Water Services Delivery Plan included stormwater.

The rationale for the proposed recommendations allowed staff to see that Council could take it's time in relation to Stormwater, while allowing the financial modelling to be developed in time to delivery their Water Services Delivery Plan whilst retaining their option in the future.

Staff and Ms Baddley responded to pātai as follows:

- It was noted that it would be problematic if the ownership of the stormwater infrastructure was split between Council and the joint water service organisation.
  - It was acknowledged that the need for the specificity in the third paragraph of recommendation 3(e) could be seen as a contradiction if it were not for the inclusion of the financial analysis. It was noted that staff did not have the information at the moment to apportion what stormwater assets would transfer, and which assets would remain. The first decision was agreement on progressing through the due diligence process to outline what assets would transfer, and which ones would not. The wording proposed in the third paragraph of recommendation 3(e) was to address the short-term requirements for the Water Services Delivery Plan, to make assumptions around the financial analysis.
  - There was nothing in the legislation at this time that determined how Council could charge for stormwater, this was something that was yet to be determined by Council.
- 

### RESOLUTION CL25-10.6

Moved: Cr M Grainger

Seconded: Cr A Henry

3. (d) Agreed that developed stormwater infrastructure (manholes, pipes, networked infrastructure) predominantly in urban environments should be considered for transfer to the joint water service organisation as part of the due diligence process and that non-urban stormwater infrastructure will be retained by Western Bay of Plenty District Council (WBOPDC) and be managed in conjunction with the primary interface of transport infrastructure.

Agreed that assets (including land) where a significant purpose is recreation and open space, should remain with the Council and should not be planned to transfer to the joint Water Service organisation.

Directs that the Water Services Delivery Plan (WSDP) financial analysis be based on the above stormwater assets transferring although further work needs to be undertaken to determine the treatment of specific stormwater assets and services consistent with principles set out in the Water Services Delivery Plan (WSDP).

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Agrees that specific advice around the treatment of these assets be reported back prior to the receipt of the report from due diligence.

**CARRIED**

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### RESOLUTION CL25-10.7

Moved: Cr M Grainger

Seconded: Cr R Joyce

4. That Council directs the Chief Executive Officer to amend the Water Services Delivery Plan (**Tabled Item 1**) on the basis of a multi-Council Water Services Council-Controlled Organisation with Tauranga City Council; and that the amended Water Services Delivery Plan be presented to Council for adoption.
5. That Council receives the presentation and minutes from the Council Workshop on 4 June 2025 (**Attachment 2 and 3**) 10 July 2025 (**Attachment 4 and 5**) and the Council Workshop on 14 July 2025 (**Attachment 6 and 7**).

**CARRIED**

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## 10.2 APPROVE THE COMMITMENT AGREEMENT FOR A JOINT COUNCIL WATER SERVICES COUNCIL CONTROLLED ORGANISATION

Council considered a report from the Strategic Advisor.

Tabled Item 2 – The Commitment Agreement was provided separately to the agenda.

Given the above resolutions, Council suggested the below recommendations in relation to the Commitment Agreement.

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### RESOLUTION CL25-10.8

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Strategic Advisor: Legislative Reform and Special Project's report dated 5 August 2025 titled 'Approve the Commitment Agreement for a Joint Council Water Services Council-Controlled Organisation' be received.
  2. That the report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.
-

3. That Council directs the Chief Executive Officer to amend the Commitment Agreement (**Tabled Item 2**) to remove Thames-Coromandel District Council; and to present an amended Commitment Agreement for approval.

**CARRIED**

## **11 RESOLUTION TO EXCLUDE THE PUBLIC**

### **RESOLUTION TO EXCLUDE THE PUBLIC**

#### **RESOLUTION CL25-10.9**

Moved: Cr A Sole

Seconded: Deputy Mayor J Scrimgeour

1. That in accordance with Standing Orders the order of business be changed, and that the confidential agenda be dealt with next, to release external presenters following the Thunder Ridge Update.
2. That the public be excluded from the following parts of the proceedings of this meeting, with the exception of Glenn Snelgrove and Roger Williams from Thunder Ridge, for the presentation update to Council as part of Agenda Item 11.1.
3. The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>11.1 – Thunder Ridge Update</b>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

<p><b>11.2 – Award Pool Service Delivery Contract</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p><b>CARRIED</b></p>		

2.15pm The hui moved into public excluded.

3.25pm The hui moved back into open.

**NOTE:** Resolutions CL25-10.10 – CL25-10.12 were captured within the confidential minutes.

**12 REPORTS CONTINUED**

**12.1 STANDARD & POORS CREDIT RATING – 2025 ANNUAL REVIEW**

Council considered a report dated 5 August 2025 from the Financial Analyst. The report was taken as read.

**RESOLUTION CL25-10.13**

Moved: Cr M Grainger

Seconded: Cr R Joyce

That the Financial Analyst’s report dated 5 August 2025 and titled ‘Standard & Poor’s Credit Rating – 2025 Annual Review’, be received.

**CARRIED**

**12.2 RECOMMENDATORY REPORT – STRATEGY AND POLICY COMMITTEE – CEMETERIES BYLAW 2025**

Council considered a report dated 5 August 2025 from the Senior Policy Analyst. The Policy and Planning Manager provided an overview of the report and recommendations therein.

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**RESOLUTION CL25-10.14**

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Senior Policy Analyst's report dated 5 August 2025 titled 'Recommendatory Report – Strategy and Policy Committee – Cemeteries Bylaw 2025', be received.
2. That Council adopts the Cemeteries Bylaw 2025 (included as **Attachment 1** of this report), to come into force on 8 September 2025.
3. That Council directs the Chief Executive to publicly notify the adoption of the Cemeteries Bylaw 2025 in accordance with the Local Government Act 2002.

**CARRIED**

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**12.3 RECOMMENDATORY REPORT – STRATEGY AND POLICY COMMITTEE – LIVESTOCK MOVEMENTS BYLAW 2025**

Council considered a report dated 5 August 2025 from the Senior Policy Analyst. The Policy and Planning Manager provided an overview of the report and recommendations therein.

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**RESOLUTION CL25-10.15**

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

1. That the Senior Policy Analyst's report dated 5 August 2025 titled 'Recommendatory Report – Strategy and Policy Committee – Livestock Movements Bylaw 2025', be received.
  2. That Council adopts the Livestock Movements Bylaw 2025 (included as **Attachment 1** of this report), to come into force on 8 September 2025.
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3. That Council directs the Chief Executive to publicly notify the adoption of the Livestock Movements Bylaw 2025 in accordance with the Local Government Act 2002.

**CARRIED**

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#### **12.4 APPOINTMENT OF ALTERNATE LOCAL RECOVERY MANAGER**

Council considered a report dated 5 August 2025 from the Operations Manager. The report was taken as read.

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#### **RESOLUTION CL25-10.16**

Moved: Cr M Grainger

Seconded: Cr L Rae

1. That the Operations Manager's report dated 5 August 2025 titled 'Appointment of Alternate Local Recovery Manager', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That, in accordance with the Civil Defence Emergency Management Act 2002, and the Bay of Plenty Emergency Management Group Policy for selection and appointment of Local Controllers and Local Recovery Managers, Western Bay of Plenty District Council:
  - a) Acknowledges the resignation of Cedric Crow and recommends that his appointment to the position of Alternate Local Controller/Alternate Local Recovery Manager be rescinded; and
  - b) Recommends to the Bay of Plenty Joint Civil Defence and Emergency Management Committee that Jo Lynskey be appointed as Alternate Local Recovery Manager - Western Bay of Plenty District Council.

**CARRIED**

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#### **12.5 MAYOR'S REPORT TO COUNCIL**

Council considered a report dated 5 August 2025 from the Senior Executive Assistant – Mayor/CEO.

The Mayor responded to pātai as follows:

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- It was still appropriate for the Mayor to attend LGNZ events/meetings, as a non-member, noting this was an opportunity for professional development and networking.
- Councillors were able to attend the LGNZ conferences in their Councillor capacity. If they wished to attend the Community Board conference, it was expected that this was funded through the existing Community Board conference budget.
- It was clarified that because Council was no longer a member of LGNZ, the Mayor did not attend or vote at the AGM, so did not represent Council in this forum.
- There were no more LGNZ events before the end of the triennium.
- The meeting with Peter Cooney was a general relationship meeting, as they had never met before.
- The 'Leading for Delivery, Te Tumu, Geoffrey Ford' meeting was a preliminary discussion, noting that there was another meeting scheduled to talk to the issues, and what needed to be resolved to help progress this project.

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**RESOLUTION CL25-10.17**

Moved: Mayor J Denyer

Seconded: Cr A Henry

That the Senior Executive Assistant - Mayor/CEO's report dated 5 August 2025 title 'Mayor's Report to Council' be received.

**CARRIED**

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**13 INFORMATION FOR RECEIPT**

Nil

**The Meeting closed at 3.40pm.**

**Confirmed as a true and correct record at the Council meeting held 4 September 2025.**

.....

Mayor J Denyer

**CHAIRPERSON / MAYOR**

**9.4 MINUTES OF THE REGULATORY HEARINGS PANEL MEETING HELD ON 7 AUGUST 2025**

**File Number:** A6923598

**Author:** Horowai Wi Repa, Governance Systems Advisor

**Authoriser:** Robyn Garrett, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Regulatory Hearings Panel Meeting held on 7 August 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**ATTACHMENTS**

1. **Minutes of the Regulatory Hearings Panel Meeting held on 7 August 2025**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
REGULATORY HEARINGS PANEL MEETING NO. RHP25-1  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 7 AUGUST 2025 AT 9.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 PRESENT

Deputy Mayor J Scrimgeour, Mayor J Denyer, Cr G Dally, Cr A Sole and Cr M Murray-Benge.

## 3 IN ATTENDANCE

A Curtis (General Manager Regulatory Services), D Elvin (Compliance and Monitoring Manager), P Hrstich (Team Lead Animal Services), S Curd (Technical Support Officer), M Hamer (Technical Support Officer – Alcohol and Compliance), V Campbell (Technical Support Officer Compliance), H Adams (Senior Animal Services Officer), T Wright (Animal Services Officer), M Steiner (Animal Services Officer), R Leahy (Senior Governance Advisor) and E Logan (Governance Advisor).

## OTHERS

S Buxton

J Buxton

J Rooney

## 4 APOLOGIES

Nil

## 5 CONSIDERATION OF LATE ITEMS

Nil

## 6 DECLARATIONS OF INTEREST

Mayor J Denyer declared an interest in agenda item 7.1.

## 7 HEARINGS

### 7.1 OBJECTION TO MENACING DOG CLASSIFICATION – SUSAN BUXTON

The purpose of this hearing was to hear the objection to the Menacing Dog classification of Susan Buxton's dog Willow.

Council classified Willow as a menacing dog under section 33A (1) (b) of the Dog Control Act 1996, which specifies a dog may be classified as menacing if *'a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –*

- (i) *Any observed or reported behaviour of the dog; or*
- (ii) *Any characteristics typically associated with the dog's breed or type.'*

The Panel considered evidence put forward to them in Agenda Item 7.1, *'Objection to Menacing Dog Classification – Susan Buxton'*.

Staff responded to pātai as follows:

- The classification notice that was issued to the objector stated all of the objector's rights under the Act and the definition and requirements of the classification.
- Staff would provide the panel with the scoring matrix that was used by staff to determine what classification was required.
- There was no cost to the parents of the victim in getting their child's wounds treated as this was covered by the Accident Compensation Corporation (ACC).

Susan Buxton and Jack (John) Buxton provided a verbal objection to the panel and presented Tabled Item 1.

The Objectors responded to pātai as follows:

- Willow had been to public parks before, however, on this specific occasion, she was not on a lead.
- Willow would be unable to become a therapy dog as intended if the menacing classification were to be upheld.

Tabled Item 1 – Incident at Moore Park

Mayor J Denyer abstained from participating in the discussion and deliberations of this hearing.

**RESOLUTION RHP25-1.1**

Moved: Cr M Murray-Benge

Seconded: Cr G Dally

1. That the Team Leader Animal Services report dated 7 August 2025 titled 'Objection to Menacing Dog Classification – Susan Buxton' be received.
2. That the Regulatory Hearings Panel upholds the menacing dog classification.

Reason for decision:

The Panel considered the evidence presented to them. The Panel was satisfied that the incident took place, and caused injury to a person. The dog could pose a risk to members of the public.

Despite acknowledging they had put measures in place, the owner did not have control of the dog during the incident.

The Panel expressed their sympathy to the individual who was responsible for the dog at the time of the incident.

The Panel acknowledged the owner's commitment to work to manage the dog's behaviour.

The Panel believed there was still a risk from the dog and the only safe form of action was to uphold the menacing dog classification.

**CARRIED**

**7.2 OBJECTION TO MENACING DOG CLASSIFICATION – FIONNA TORR**

The purpose of this hearing was to hear the objection to the Menacing Dog classification of Fiona Torr's dog Peppa.

Council classified Peppa as a menacing dog under section 33A (1) (b) of the Dog Control Act 1996, which specifies a dog may be classified as menacing if *'a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –*

- (i) *Any observed or reported behaviour of the dog; or*
- (ii) *Any characteristics typically associated with the dog's breed or type.'*

The Panel considered evidence put forward to them in Agenda Item 7.2, 'Objection to Menacing Dog Classification – Fiona Torr'

Staff responded to pātai as follows:

- It was not uncommon for dogs to develop a territorial behaviour, especially in the surrounding areas of the property that it resided in.
- Peppa was a medium size dog and the dog that was attacked was a small dog.

Fiona Torr provided the panel with a written submission.

Jon Dooney attended as a submitter for Council and provided verbal evidence to the panel.

Mr Dooney responded to pātai as follows:

- Mr Dooney did not believe that the Objector had put measures in place to restrain Peppa since the incident.
- The incident had created a division within the neighbourhood.
- The wounds that the attacked dog had received in the attack later became infected which had led to the dog needing a course of antibiotics.

## RESOLUTION RHP25-1.2

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

1. That the Team Leader Animal Services report dated 7 August 2025, and titled Objection to Menacing Dog Classification – Fiona Torr, be received.
2. That the Regulatory Hearings Panel upholds the menacing classification.

### Reasons for decision:

The Panel considered the evidence presented to them. The Panel was satisfied that the incident took place, and caused injury to another dog. The dog could pose a risk to other animals.

The Panel believed that minimal measures had been put in place by the owner to control the dog, and reminded the owner that they needed to observe the requirements outlined under the menacing dog classification under the Dog Control Act 1996.

The Panel believed there was still a risk from the dog and the only safe form of action was to uphold the menacing dog classification.

**CARRIED**

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10.29am Hearing adjourned.

10.52am Hearing reconvened.

### **7.3 OBJECTION TO DISQUALIFICATION – JESS MOLITIKA**

The purpose of this hearing was to hear the objection to disqualification of Dog Ownership for Jess Molitika.

Council disqualified Jess Molitika from being an owner of a dog under Section 25 (1) of the Dog Control Act 1996, which specifies that *'a territorial authority must disqualify a person from being an owner of a dog if –*

- (a) The person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or*
- (b) The person is convicted of an offence (not being an infringement offence) against this Act; or*
- (c) The person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 561 of the National Parks Act 1980.'*

The panel considered evidence put forward to them in Agenda item 7.3 'Objection to Disqualification – Jess Molitika'.

Staff responded to pātai as follows:

- Animal Service Officers had visited the property multiple times and the objector had become abusive and non-active with the officers.
- The dog was a large dog that weighed an estimated 40-45kgs. The dog had shown aggression to the Animal Services Officers in the past.
- Animal Service Officers confirmed that the property still had no fencing around it.
- The property was roughly 25-30 metres from the local primary school.
- The dog spend a considerable amount of time inside, however, when it was outside there was no mechanism to keep it contained within the property boundary.
- The owner had previously stated that the dog was tied up outside the house, however, the dog had been seen on multiple occasions roaming with a broken rope on it.

- There had been no attempt from the owner to implement measures that could be used to prevent the dog from roaming.

Jess Molitika provided the panel with a written submission but was not in attendance.

Prior to the hearing staff had advised the objector of the date of the hearing and attempted to contact them on the day, however, received no response.

### RESOLUTION RHP25-1.3

Moved: Deputy Mayor J Scrimgeour

Seconded: Mayor J Denyer

1. That the Team Leader Animal Services report dated 7 August 2025, titled 'Objection to Disqualification - Jess Molitika' be received.
2. That the Regulatory Hearings Panel upholds the disqualification.

#### Reasons for decision:

The Panel considered the evidence presented to them. The Panel was satisfied that the dog was a known roaming dog and may pose a risk to the community. The owner had not put measures in place to control the dog.

The Panel was satisfied that the owner had not met their obligations as a responsible dog owner and upheld the disqualification for five years.

**CARRIED**

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**The Meeting closed at 11.47am.**

**Confirmed as a true and correct record at the Council meeting held 4 September 2025.**

.....  
Deputy Mayor J Scrimgeour  
**CHAIRPERSON**

**9.5 MINUTES OF THE COUNCIL MEETING HELD ON 15 AUGUST 2025**

**File Number:** A6921916

**Author:** Pernille Osborne, Senior Governance Advisor

**Authoriser:** Robyn Garrett, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 15 August 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**ATTACHMENTS**

1. **Minutes of the Council Meeting held on 15 August 2025**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL25-11  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON FRIDAY, 15 AUGUST 2025 AT 9.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 PRESENT

Mayor J Denyer, Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr G Dally, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr L Rae, Cr A Sole and Cr D Thwaites.

## 3 IN ATTENDANCE

M Taris (Interim Chief Executive), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), P Watson (Acting General Manager Infrastructure Services), E Watton (Acting General Manager Strategy and Community), L Balvert (Communications Manager), M Leighton (Policy and Planning Manager), R Garrett (Governance Manager), G Allis (Senior Specialist Infrastructure), J Fearn (Chief Financial Officer), C Ertel (Infrastructure Capital Delivery Manager), F Khairy (Water Service Project Engineer), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

## OTHERS IN ATTENDANCE

### Thunder Ridge Representatives

Glenn Snelgrove (Consultant)

Roger Williams (Director)

Tony Roberts (Director)

Gary Stirling (Director)

## VIA ZOOM

Christine Jones (Tauranga City Council – General Manager Strategy, Partnerships and Growth)

Jaron Shaw (Department of Internal Affairs (DIA))

## 4 APOLOGIES

Council noted that Cr Grainger and Cr Wichers were on leave of absence.

## 5 CONSIDERATION OF LATE ITEMS

### MOTION

The Mayor noted that there was one late item for the Council to consider for inclusion in the open section of the agenda, being 10.6 'Crown Facilitator – Local Waters Done Well.'

The reason that this item was not included on the agenda was that the circumstances were changing, and the information was not available, and it could not be delayed to the next scheduled meeting as it is relevant to the continued development of Council's Water Service Delivery Plan which had to be submitted before the next scheduled Council meeting.

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## RESOLUTION CL25-11.1

Moved: Cr R Joyce

Seconded: Cr A Henry

That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the following item be considered as a late item of the open business:

- 10.6 Crown Facilitator – Local Waters Done Well

**CARRIED**

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## 6 DECLARATIONS OF INTEREST

Nil

## 7 PUBLIC EXCLUDED ITEMS

Nil

## 8 PUBLIC FORUM

### 8.1 CHRIS PILKINGTON - WAIHĪ BEACH MENZ SHED

Mr Pilkington was in attendance to speak on behalf of the Waihī Beach Menz Shed in relation to the report on the Council agenda. He noted the following points:

- The Waihī Beach Menz Shed had been a success, providing men with a place to gather following retirement.
- The elderly community had benefited from the work that members of the Menz Shed had undertaken at minimal/no cost.
- Due to the increase in members and projects, they were in need of additional space.
- They sought support from Councillors for the extension of the lease area.

Mr Pilkington responded to pātai as follows:

- He was not aware of any opposing views in relation to the proposal to extend the lease area for the Waihī Beach Menz Shed.
  - The approval to extend the lease would allow them to add to their existing building.
  - Any extensions would be accessed through the existing driveway, noting that they would remain separate from the reserve.
  - The new driveway was working well.
  - The group were open to any work that they may be able to assist with.
- 

### 8.2 RICHARD MATTHEWS - TE PUKE SCOUTING GROUP

Mr Matthews was in attendance to speak on behalf of the Te Puke Scouting Group in relation to the report on the Council agenda. He noted the following points:

- The lease of the land for where the Scout den resided was up for renewal after 66 years.
  - The group would love to be able to continue in their current location.
  - The group contained 108 members, with 65 of those being young people from around the district.
  - They had 16 youth on the waiting list to join.
  - One third of the programme was community based.
  - They offered opportunities for people of all backgrounds, a place for youth to thrive, learn new life skills, leadership and have fun.
- 

### CHANGE TO ORDER OF BUSINESS

The Mayor requested that the next items of business be 10.1 and 10.2, in order to bring items of interest to the public forum speakers forward.

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**RESOLUTION CL25-11.2**

Moved: Cr D Thwaites

Seconded: Cr A Sole

That in accordance with Standing Orders the order of business be changed and that items 10.1 and 10.2 be dealt with as the next items of business.

**CARRIED**

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**9 REPORTS****9.1 PROPOSAL TO EXTEND LEASE AREA - WAIHĪ BEACH MENZ SHED - WAIHĪ BEACH COMMUNITY CENTRE RESERVE**

Council considered a report dated 15 August 2025 from the Legal Property Officer, Reserves and Facilities. The Acting General Manager Infrastructure Services provided an overview of the report and recommendations therein.

Staff responded to pātai as follows:

- Staff noted that the bylaw speed limit on the road that was used for Menz Shed deliveries was 15km/h. There were protocols that Menz Shed members could put in place to ensure extra safety of school children who may also be using this road during deliveries.
- Staff could look at including a programme throughout the year, to see that the speed limit was marked clearly on the road, to ensure that drivers were aware.

The following tākupu were made by Councillors:

- It was requested that staff look into the possibility of having signs up to warn drivers of the children that may be using the road, as well as the speed signs.
- 

**RESOLUTION CL25-11.3**

Moved: Cr T Coxhead

Seconded: Cr A Sole

4. That the Legal Property Officer, Reserves and Facilities' report dated 15 August 2025 and titled 'Proposal to Extend Lease Area - Waihī Beach Menz Shed - Waihī Beach Community Centre Reserve' be received.
  5. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
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That Council, acting as administrating body (leasing authority) of the reserve under the Reserves Act 1977, approves granting an extension to the current lease area of 140m<sup>2</sup> over Lot 1 DPS 65226, being part of Waihi Beach Community Centre Reserve, by approximately 343m<sup>2</sup>.

6. If approval is given, such approval must not be construed by the applicant as a guarantee that all other consents required by any policy, by-law, regulation, or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.

**CARRIED**

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## **9.2 JUBILEE PARK (STOCK ROAD) - PROPOSED NEW LAND LEASE WITH THE SCOUT ASSOCIATION OF NEW ZEALAND**

Council considered a report dated 15 August 2025 from the Legal Property Officer, Reserves and Facilities. The Acting General Manager Infrastructure Services provided an overview of the report and recommendations therein.

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### **RESOLUTION CL25-11.4**

Moved: Cr L Rae

Seconded: Cr A Henry

7. That the Legal Property Officer, Reserves and Facilities' report dated 15 August 2025 titled 'Jubilee Park (Stock Road) - Proposed new land lease with The Scout Association of New Zealand' be received.
8. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
9. That Council, in its capacity as administrating body of the reserve, grants The Scout Association of New Zealand the right to lease for up to 30 years (10+10+10) 744m<sup>2</sup> of land, more or less, being all of Lot 2 DP 6884 contained in Record of Title 681973 to allow for Te Puke Scouts Group club rooms to remain situated at 3 Stock Road, Te Puke.

**CARRIED**

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## 10 PRESENTATIONS

### 10.1 TE PUKE WASTEWATER TREATMENT PLANT – SUBMITTER PRESENTATIONS

#### **Submission 1 – North 12**

John Dillon and Rik Flowerday were in attendance to speak on behalf of North 12. Rik Flowerday spoke to Tabled Item 1 being their submission.

Mr Flowerday and Mr Dillon responded to pātai as follows:

- During the consultation meeting on 2 July 2025, there were questions that were asked that they did not feel were able to be answered.
- Their perception was that the rationale for this upgrade was due to providing capacity for the Rangiuru Business Park (RBP). For this reason, they felt that RBP should be taking more of a financial share in the required cost.
- They recalled only having taken part in one meeting with council in relation to this, being the consultation meeting held 2 July 2025.
- At the consultation meeting they had requested further information, which they did not feel had been adequately provided.
- The six month “pause” that was being requested was to allow all the information being sought to be provided. This included what the current capacity was, what the capacity of the new plant would be and how many connections that would allow for, and whether there was capacity for future growth.
- They had been engaged with through the Te Puke Spatial Plan project.
- Based on the information provided to them through the consultation, they did not believe that there was ability for anyone outside of already consented residential development to connect, as there would not be capacity.

#### **Submission 2 – MacLoughlin Drive Limited**

Michael Bryant and Tristan Shannon were in attendance to speak on behalf of the MacLoughlin Drive Limited submission. They added the following points:

- They agreed with the points made in the previous submission, noting that they were hoping to have more information.
- There was risk in stalling growth in Te Puke by driving up costs similar to Tauranga City, noting that Te Puke did not have the same draw cards for families as Pāpāmoa did.

Mr Bryant and Mr Shannon responded to pātai as follows:

- They would agree with the six month “pause”, noting that they wanted to understand the costs so that they could be transparent to people buying the homes.

- They were concerned that if they did not know the numbers, then they did not know how much the sections would sell for, and whether they were competitive with other areas.
- At the moment people were unable to fund the houses upfront, meaning that the developers were funding the building, and would have it all finished (including Code of Compliance) before they saw any return. This was called a “turnkey” process.
- They were not aware of the percentage of the total project cost allocated to Rangiora Business Park, however other submitters were.
- Their development had been consented for 120 lots, however, the land was rezoned to medium density, so the development had to be altered accordingly.
- They understood the risk that further delays in the project could mean that there were further price increases.

### **Submission 3 – Urban Task Force (UTF)**

Aaron Collier was in attendance to speak on behalf of the Urban Task Force. He provided an overview of their submission, which was provided as [Tabled Item 2](#). He made the following additional points:

- He felt Council should also relook at the funding model, noting that there seemed to be some disparities between whether the commercial and industrial land at Te Puke had been included.
- The replacement plant should be sustainable and robust in terms of providing for future growth, including growth that may not be planned for yet.

#### Mr Collier responded to pātai as follows:

- He believed the Ōmokoroa Pipeline was an example of poor planning, noting that Council was told at the time that the pipeline needed to have capacity to cater for growth, which he believed it did not. He was urging Council to ensure that growth was planned for through this project, and that opportunities for “clip-ons” were also provided for.
- He requested Council to revisit and reconsider the initial options presented, noting that some of those options would have been discounted due to cost, however given the significant price increase, they should be reconsidered.
- It was made clear that the UTF was supportive of a Wastewater Treatment Plant in Te Puke, however encouraged Council to ensure that they were getting their money’s worth.

Following a request from Councillors, the Interim Chief Executive noted there was no issue providing Councillors with the submissions presented today, however it was important to note that the submission period had not yet closed. The Acting General Manager Strategy and Community confirmed that all written and verbal

submissions/feedback would be provided as part of the decision report, which would be presented to Council for consideration on 4 September 2025.

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## RESOLUTION CL25-11.5

Moved: Cr M Murray-Benge

Seconded: Cr D Thwaites

10. That the Water Services Director's report dated 15 August 2025 titled 'Te Puke Wastewater Treatment Plant - Submitter Presentations' be received.
11. That Council receives the verbal submissions to the Te Puke Wastewater Treatment Plant engagement.

**CARRIED**

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10.53am The hui adjourned.

11.16am The hui reconvened.

## 11 REPORTS

### 11.1 MEMORANDUM OF UNDERSTANDING FOR THE PROPOSED THUNDER RIDGE MOTORSPORT PARK AT TECT PARK

Council considered a report dated 15 August 2025 from the Senior Specialist Infrastructure.

Glenn Snelgrove, Roger Williams, Tony Roberts and Gary Stirling were in attendance on behalf of Thunder Ridge to respond to any relevant pātai. Mr Snelgrove provided an overview of what Thunder Ridge was trying to achieve through the proposal, and acknowledged the staff involved in helping it progress.

The Senior Specialist Infrastructure provided an overview of the report and recommendations therein, noting the following points:

- The current Te Matai Motorsport lease was for 35 years with two rights for renewal.
  - The Te Matai block was zoned and allocated for motorsport activity.
  - The proposed leases were to change from a single Te Matai Motorsport lease to individual leases, noting that the terms for these were 33 years with two rights for renewal.
  - This lease period was to secure the activity but also enable the investment to occur that was required for each of the activities.
-

Presenters responded to pātai as follows:

- One of the lease terms would mean that if the area stopped being used for the activity, the lease would be relinquished.
- There was a project team that had been established between Tauranga City Council (TCC) and Western Bay of Plenty District Council (WBOPDC). It was acknowledged that the two staff that represented TCC in this team had left the organisation, and therefore they were in a rebuild stage.
- The Sub-regional Parks Joint Management Policy was up for review, noting that this would be initiated and brought through the incoming Council in the new triennium.
- TCC would be invited to TECT Park in the new triennium to provide them with an update and information on what was happening and being proposed at the Park.
- The Interim Chief Executive noted that it was important that TCC was updated and provided with information on the Thunder Ridge Proposal as soon as possible.
- If the proposal was successful, it was noted that the land at TECT Park would be sub-divided. This would mean that the entire title would be leased out, and therefore the lease requirements relating to over 35-year leases under the Resource Management Act would not apply.
- Staff had spent a lot of time with the current clubs in working through TECT Park and the Thunder Ridge proposal. It was acknowledged that many of these people were volunteers, and therefore were not always available.
- There was a process that staff had to follow in relation to the Thunder Ridge proposal.
- There were a number of consenting issues that would need to be addressed prior to any physical work commencing.
- Thunder Ridge was putting together a list of processes that needed to take place, in hope that some of these could take place in parallel. Mr Snelgrove outlined this list to Councillors.
- The 48 garages would all look the same and would be connected.

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### RESOLUTION CL25-11.6

Moved: Mayor J Denyer

Seconded: Cr T Coxhead

1. That the Senior Specialist Infrastructure's report dated 15 August 2025 titled 'Memorandum of Understanding for the Proposed Thunder Ridge Motorsport Park at TECT Park', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council approves, in principle, the proposed development of the Thunder Ridge Motor Sport Park on approximately 70 hectares in the TECT Park Motor Sport zone.

4. That the Chief Executive is delegated authority to finalise and sign the Memorandum of Understanding for Thunder Ridge Motorsport Park.

**CARRIED**

11.54am The Mayor vacated the Chair and withdrew from the meeting. Deputy Mayor Scrimgeour assumed the Chair.

## 11.2 RESERVE CLASSIFICATION OF WAIHĪ BEACH COMMUNITY CENTRE RESERVE AND OROPI MEMORIAL HALL CARPARK LAND

Council considered a report dated 15 August 2025 from the Legal Property Officer, Reserves and Facilities. The Acting General Manager Infrastructure Services provided an overview of the report and recommendations therein.

### RESOLUTION CL25-11.7

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

- That the Legal Property Officer Reserves and Facilities' report, dated 15 August 2025 titled 'Reserve Classification of Waihī Beach Community Centre Reserve and Oropi Memorial Hall Carpark Land', be received.
- That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
- That Council, in its capacity as administrating body of the reserve, resolves that the following reserves are classified in accordance with the Reserves Act 1977, s16 (2A) and classified as "Local Purpose (Community Use) Reserve" in accordance with the Reserves Act 1977, s23.

Land Description	Title	Vesting date	Land area	Hall/Community Centre	Lessee (Incorporated Society)
Lot 1 DPS 65226	SA60A/140 – Vested as Local Purpose (Community Use) Reserve	1996	2.0660 ha	Waihī Beach Community Centre	Waihī Beach Community Centre Society Inc
Lot 3 DP 539566 – carpark area (*Lot 1 DPS 710,	902614 – Vested as Local	2020	1426m <sup>2</sup>	Ōropi Memorial Hall	The Ōropi Settlers

hall site – already gazetted)	Purpose Reserve				Incorporated
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**CARRIED**

### 11.3 DELEGATIONS – RESOURCE MANAGEMENT ACT 1991

Council considered a report dated 15 August 2025 from the Privacy and Official Information Advisor. The General Manager Regulatory Services provided an overview of the report and recommendations therein.

11.57am The Mayor re-entered the hui and resumed the Chair.

Staff responded to pātai as follows:

- Prior to the new position of Team Lead Land Development, the delegations sat with the Land Development Manager. Staff undertook a review in relation to this activity, noting that it now sat under the Environmental Consents Manager. The new position replaced the disestablished Land Development Manager position.
- This delegation had to be approved by Council under the Resource Management Act provisions.
- All of Council's Resource Consent Planners had delegations under the Resource Management Act, as well as a number of management staff in this area.
- The delegations were wide ranging under the Resource Management Act, noting that they included writing decisions. Separate delegations applied for Resource Consent Monitoring Officers in relation to enforcement powers.

### RESOLUTION CL25-11.8

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

1. That the Privacy and Official Information Advisor's report dated 15 August 2025 titled 'Delegations – Resource Management Act 1991' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That, pursuant to section 34A of the Resource Management Act 1991 (RMA), Council delegates those of its functions, powers and duties to the positions ('Delegates') specified in **Attachment 1**.

**CARRIED**

12.00pm The hui adjourned.

12.07pm The hui reconvened.

#### 11.4 CROWN FACILITATOR – LOCAL WATERS DONE WELL (PART 1)

Council considered a late report dated 15 August 2025 from the General Manager Corporate Services.

Christine Jones (Tauranga City Council – General Manager Strategy, Growth and Governance) was in attendance via Zoom to speak to the outcome of the Tauranga City Council hui that took place earlier in the day. The resolutions passed by Tauranga City Council were circulated to Councillors via email. She noted the following points:

- On 5 August 2025, Tauranga City Council (TCC) made a decision to proceed with an in-house model for the duration of the Water Services Delivery Plan (WSDP). They also signalled the intent to work with other Councils, with the view of moving to a Multi-Council Controlled Organisation (CCO) no later than 1 July 2028.
- Staff took a report to TCC on 15 August 2025 for two purposes:
  1. Following the 5 August 2025 hui, TCC received correspondence from multiple external parties, including Western Bay of Plenty District Council (WBOPDC), Thames-Coromandel District Council (TCDC), the Department of Internal Affairs (DIA) and the Local Government Funding Agency (LGFA); and
  2. Due to the decision on 5 August 2025 being in a different direction to all other decisions made to date on the preferred model, staff wanted to outline the implications of the decision as soon as possible.
- The recommendation included in the TCC report for 15 August 2025 was for Councillors to reconfirm their decision from 5 August 2025 following the consideration of the additional information, or for them to provide alternative direction.
- The recommendation to reconfirm their 5 August 2025 decision was put and lost.
- The subsequent resolutions were taken in parts. They directed the WSDP to be prepared on the basis of status quo until 30 June 2027, and thereafter moving to a Multi-Council CCO with WBOPDC and TCDC, noting that TCDC partnership in the Multi-Council CCO was subject to confirmation by WBOPDC. This meant that if WBOPDC did not confirm TCDC as a partner, the Multi-Council CCO would be between TCC and WBOPDC only.
- Requests from TCC Councillors through their political debate asked WBOPDC Councillors to re-consider the inclusion of TCDC within the Multi-Council CCO, just as they had done.
- The resolution from TCC approved for stormwater to be included in the Multi-Council CCO, noting that further work in relation to this still needed to be undertaken.

Ms Jones responded to pātai as follows:

- It was confirmed that if WBOPDC did not include TCDC in the Multi-Council CCO then TCC would also not partner with TCDC.
- The two documents that needed to be prepared were a WSDP and a Water Strategy. DIA had confirmed to TCC that if they retained stormwater, they would be a Water Services Provider, and therefore retain the assets and responsibility. This would require the WSDP to have an in-house element as well as the Multi-Council CCO. It also meant that two Water Strategies would need to be prepared separately by the two Water Services Providers.
- Due to TCC passing a resolution that included TCDC, TCDC could request a Crown Facilitator should they wish.
- On 5 August 2025, a position paper was provided by Tangata Whenua to TCC. They did not provide a position on the matter between TCDC and WBOPDC, however they did provide a pathway of what the expectation of TCC Tangata Whenua was if they were to proceed with anything other than an in-house model. TCC committed for all issues raised by Tangata Whenua in their position paper to be responded to.
- Tauranga City Council had Te Rangapū Mana Whenua o Tauranga Moana Partnership, which was an autonomous body made up of 17 representatives from each of the hapū and iwi in the Tauranga City Council area.
- It was noted that the position paper received was from a group that was made up of iwi/hapū Chairs, but also included a representative from any TCC Committee, Panel or Board that was waters-related. This core group was supported by the broader Tangata Whenua grouping. It was clarified that the position paper did not form a view on the options but noted the expectations of Council should they proceed with a Multi-Council CCO.
- TCC had only made comment on WBOPDC and TCDC as it related to a compliant and aligned position.

Mr Shaw (DIA Representative) responded to pātai as follows:

- The Water Services legislation required Council to take Māori/Iwi views and participation into account within their decision making, acknowledging the strong views expressed by Tauranga Moana Tangata Whenua.
  - At the last Council hui held 5 August 2025, advisors had provided Council with potential pathways that could be used to address or resolve the concerns that had been expressed by Tangata Whenua.
  - The decision on the Water Services Delivery Model and WSDP was a large decision, however it was also one of many that Council would need to take over the next 12 months, particularly as Council and any potential partner Councils commenced
-

the implementation of the WSDP. As part of the implementation, Council would need to agree on Shareholder Agreements, constitutions, and representation.

It was also noted that as part of the Implementation Plan there would be a due diligence process. This was the time in which concerns that had been raised by Tangata Whenua could potentially be worked through and addressed.

- If Councils decided to remain Status Quo through the transition, they did not need to complete a separate WSDP for that period.
- TCDC had passed a resolution to work with WBOPDC and TCC on a joint Water Services Delivery Model. This, along with the resolutions passed by TCC earlier, meant that WBOPDC had a pathway forward with their standing resolution, however if Council decided to also work with TCDC, then there were resolutions that would also support that pathway.
- The WSDP submission deadline was 3 September 2025; it was noted that there was an extension provision put in the Preliminary Arrangements Act, however it had now expired as any extension requests needed to be made to the Minister by 3 August 2025.
- In regard to the LGFA's expectation for the in-house water model, it was clarified, that they would be looking at the plan in terms of the model that was being proposed, regardless of whether they were signalling to consider something different in the future.
- If a Crown Facilitator was appointed, they would be given Terms of Reference (ToR) by the Minister. Those would differ depending on whether it was for a single council or all councils within a multi-council CCO.
- If TCDC was to request a Crown Facilitator the Minister would assess that request. If appointed, the ToR would likely include discussions with neighbouring councils.
- Although the WSDP was required to be submitted on 3 September 2025, it was noted that the implementation of the plan and discussions required would continue long after that date.
- If a council was to decide to change aspects of their delivery model within 12 months of submitting their WSDP, they would be required to work through a change proposal process and then re-submit an amended WSDP for the Secretary to consider. If the amendment took place beyond the first 12 months, then just a change proposal process would need to take place. This meant that the change proposal process was an enduring setting that would be available to Council ad infinitum unless the legislation was to be changed by a future government.

The Councillors worked through some alternative recommendations that Councillor Joyce proposed, taking on board advice and comment from relevant staff.

#### Proposed Recommendations

1. That the General Manager Corporate Service's report dated 15 August 2025, titled 'Crown Facilitator – Local Waters Done Well', be received.

2. That the Government be asked to work with Tangata Whenua to quickly resolve the treaty settlement issues raised by Tauranga Moana, supported by coastal Te Arawa iwi, to allow Western Bay of Plenty District Council to develop a water services strategy that meets the needs of all of our communities.
3. That the Mayor's request for a Crown Facilitator be withdrawn.
4. That any future formal communication from Western Bay of Plenty District Council on Local Waters Done Well to outside bodies be shared with councillors for feedback before it is sent.

The Strategic Kaupapa Māori Manager confirmed that the position provided by Tangata Whenua was that they opposed a relationship with TCDC in a CCO space due to the issues with Hauraki. This was not only the current issues that they were continuing to work through, but also any future issues that might arise if Council allowed Hauraki decision making rights within the Tauranga Moana rohe.

In order to provide time for the resolutions to be worded to reflect the feedback from Councillors, the Mayor adjourned the hui.

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1.40pm The hui adjourned.

2.14pm The hui reconvened.

#### **CHANGE TO ORDER OF BUSINESS**

The Mayor requested that before continuing discussions on report 11.4 being 'Crown Facilitator – Local Waters Done Well', that the Council deal with the confidential agenda items, in order to release external presenters from the hui.

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#### **RESOLUTION CL25-11.9**

Moved: Cr A Sole

Seconded: Cr D Thwaites

That in accordance with Standing Orders the order of business be changed and that items 13.1, 13.2, 13.3 and 13.4 be dealt with as the next items of business.

**CARRIED**

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**12 RESOLUTION TO EXCLUDE THE PUBLIC**

**RESOLUTION TO EXCLUDE THE PUBLIC**

**RESOLUTION CL25-11.10**

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

That the public be excluded from the following parts of the proceedings of this meeting, with the exception of Sean Hayes from Veros Limited for Agenda Item 12.1 whose specialist knowledge of the development of Waikite Road will assist the Council to make a decision.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<p><b>12.1 - Recommendatory Report- Development Waikite Road - Financial Contributions (FinCos) and Rating Matters</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(e) - the withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

<p><b>12.2 - Te Puke Wastewater Treatment Plant - Contract Matters</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p><b>12.3 - Infrastructure Services - Procurement of Contracts During Council's Interregnum Period 2025</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p><b>12.4 - Riskpool Update to Western Bay of Plenty District Council</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to</p>

	making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>CARRIED</b>		

2.15pm The hui moved into public excluded.

3.00pm Cr Coxhead left the confidential hui.

3.25pm The hui moved back into open.

**NOTE:** Resolutions CL25-11.11 – CL25-11.15 were captured within the confidential minutes.

### 13 REPORTS CONTINUED

#### 13.1 CROWN FACILITATOR – LOCAL WATERS DONE WELL – CONTINUED (PART 2)

The General Manager Corporate Services and Strategic Kaupapa Māori Manager worked through the proposed recommendations with Councillors, responding to pātai as follows:

- The purpose of recommendation two was to show Council's strong desire in supporting the resolution of the Treaty settlement issues.
- Not including reference to the due diligence process in recommendation three would hold most true to the decision Council made on 5 August 2025 to not include TCDC in a Multi-Council CCO.

#### RESOLUTION CL25-11.16

Moved: Cr R Joyce

Seconded: Cr A Henry

5. That the General Manager Corporate Service's report dated 15 August 2025, titled 'Crown Facilitator – Local Waters Done Well', be received.
6. That Council requests that the Office of Treaty Settlements work urgently with Tangata Whenua to resolve treaty settlement issues raised with Western Bay of Plenty District Council by Tauranga Moana Iwi.

7. That Council notes the continued desire of Thames-Coromandel District Council to be included in the Multi-Council Controlled Organisation with Tauranga City Council and Western Bay of Plenty District Council.
8. That the Mayor's request for a Crown Facilitator be withdrawn, noting Tauranga City Council resolutions on Local Waters Done Well from their 15 August 2025 meeting.
9. That, wherever practicable, formal communication from the Mayor on Local Waters Done Well to outside bodies be shared with councillors for feedback before it is sent.

The motion was voted on and a division was called and recorded as follows:

For: Mayor Denyer, Deputy Mayor Scrimgeour, Cr Thwaites, Cr Joyce, Cr Henry and Cr Dally.

Against: Cr Murray-Benge, Cr Rae and Cr Sole.

**CARRIED**

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## **14 INFORMATION FOR RECEIPT**

Nil

## **RESOLUTION TRANSFERRED INTO OPEN SECTION**

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### **12.1 RECOMMENDATORY REPORT- DEVELOPMENT WAIKITE ROAD - FINANCIAL CONTRIBUTIONS (FINCOS) AND RATING MATTERS**

#### **RESOLUTION CL25-11.11**

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

1. That the General Manager Regulatory Services' report dated 15 August 2025 titled 'Recommendatory Report - Development Waikite Road-FinCo and Rating Matters', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Council delegates to the CEO the ability to progress direct agreement with Tauranga City Council and the developer's representative Veros Limited on the following matters:
  - a. The financial contributions and rates that will be required from the property developer, to be agreed through a heads of agreement, in advance of a resource consent being granted for the development.

- 
- i. The value of financial contributions that will be taken for the following-water, wastewater, stormwater, rural roading, transportation, ecological and recreation and leisure.
  - ii. The value of any financial contributions that may be “passed on” from Western Bay of Plenty District Council to Tauranga City Council through separate agreement.
  - iii. The value of rates that may be “passed on” from Western Bay of Plenty District Council to Tauranga City Council through separate agreement.
4. That the **Resolutions** be transferred into the Open section of the meeting following the Council meeting held 15 August 2025.

**CARRIED**

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**The Meeting closed at 5.35pm.**

**Confirmed as a true and correct record at the Council meeting held 4 September 2025.**

.....  
Mayor J Denyer  
**CHAIRPERSON / MAYOR**

**9.6 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 15 AUGUST 2025**

**File Number:** A6923885

**Author:** Horowai Wi Repa, Governance Systems Advisor

**Authoriser:** Robyn Garrett, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Projects and Monitoring Committee Meeting held on 15 August 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

1. Minutes of the Projects and Monitoring Committee Meeting held on 15 August 2025

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
PROJECTS AND MONITORING MEETING NO. PMC25-3  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON FRIDAY, 15 AUGUST 2025 ON CONCLUSION OF THE COUNCIL MEETING  
STARTING AT 9.30AM**

The Council hui adjourned to allow for public forum, presentations and first two items of business in Projects and Monitoring to be heard and considered.

## **1 KARAKIA**

A Karakia was held at the Council meeting prior to the Projects and Monitoring Committee meeting.

## **2 PRESENT**

Cr D Thwaites, Cr A Sole, Cr T Coxhead, Cr G Dally, Mayor J Denyer, Cr A Henry, Cr R Joyce, Cr L Rae and Deputy Mayor J Scrimgeour.

## **3 IN ATTENDANCE**

M Taris (Interim Chief Executive), P Watson (Acting General Manager Infrastructure Services), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), J Fearn (Chief Financial Officer), L Balvert (Communications Manager), C McLean (Director Transportation), C Ertel (Infrastructure Capital Delivery Manager), R Garrett (Governance Manager), K Hermens (Project Manager), P Osborne (Senior Governance Advisor), H Wi Repa (Governance Systems Advisor) and R Leahy (Senior Governance Advisor).

## **EXTERNAL**

M Taylor (Primary Health Care Limited)

B Pundak (Primary Health Care Limited)

C Wilkinson (First Retail Group Limited)

G Hoyle (Medispace, via Zoom)

## **4 APOLOGIES**

Cr A Wichers and Cr M Grainger were on a leave of absence.

## **5 CONSIDERATION OF LATE ITEMS**

Nil

## **6 DECLARATIONS OF INTEREST**

Nil

## 7 PUBLIC EXCLUDED ITEMS

Nil

## 8 PUBLIC FORUM

### 7.1 MULTIPLE SPEAKERS - TE PUNA ROAD/ TE PUNA STATION ROAD INTERSECTION UPGRADE

Sarah Rice (Priority Te Puna), Alison Cowley (Priority Te Puna) and Sharon Davies were in attendance to discuss the Te Puna Road/Te Puna Station Road intersection upgrade.

Ms Rice and Ms Cowley noted the below points:

- They supported the recommendations in relation to Agenda Item 10.2.
- There were safety concerns with the intersection. They had provided traffic reports to council that related to an increase in traffic volumes. They were of the belief that a right-hand turning bay would not prevent traffic accidents at that intersection.
- They felt that ratepayers should not subsidise developer costs for the infrastructure required.

Ms White and Ms Cowley responded to pātai as below:

- They were unaware that council had considered, at any point, upgrading the Te Puna Road/Te Puna Station Road intersection.
- They were of the understanding that responsibility and cost of the upgrade to the intersection was with the developers of Te Puna Business Park.
- There had been incidents of single vehicle accidents at the intersection, however, they felt that installing a right-hand turn bay would not address this issue.

Ms Davies noted the below points:

- Ms Davies was a directly affected party as she shared a boundary with Te Puna Industrial Limited's (TPIL) property.
- She had not been contacted by council or TPIL about the resource consent application despite her home being the closest premise to the TPIL property.
- Ms Davies was concerned about the safety of Te Puna Road if there was an increase in truck movements as result of the TPIL consent.

Ms Davies responded to pātai as below:

- Ms Davies supported delaying the intersection upgrade until the appeal to the Environment Court had been decided.
- 

## 9 PRESENTATIONS

### 9.1 PINNACLE PRIMARY HEALTH CARE LIMITED - WAIHĪ BEACH MEDICAL CENTRE RESERVE LEASE PROPOSAL

Representatives of Pinnacle Primary Health were in attendance to present their proposal ([Tabled Item 1](#)) to lease reserve land for a Waihi Beach Medical Centre. They noted the below points:

- If they were able to expand their premise then they could offer more services to the community.
- The medical centre was the only facility in the area with their books open for new patients, however, they only had room for an additional 50 patients due to the lack of space at the facility.
- They had explored multiple sites for a medical centre, however, they were not economically feasible.
- The proposed facility was single story and the footprint of the facility looked to preserve as much of the green space in the reserve as possible.
- The proposed location would allow for helicopter landings nearby and was centrally located in Waihi Beach.

Presenters responded to pātai as below:

- Pinnacle Incorporated was the primary healthcare organisation that had the health care contract with government and Pinnacle Primary Healthcare Limited was a not-for-profit charitable arm of the umbrella organisation.
- 14 car parks were included in the proposal, if possible they would look to utilise more reserve land for car parks, noting that there was a balance between having enough available car parking and keeping existing green space for the reserve.
- The proposal sought approximately 30 per cent of the total reserve land available.

3pm Mayor J Denyer and Cr Coxhead left the hui.

- There would be a nine-month work programme to have the facility ready for use.
  - General Practitioners (GPs) worked to a ratio of one GP to 1600 patients.
-

- The urgency to find a location for a new facility centred around long term sustainability and that the existing staff deserved a new clinic, it was not due to a lack of available staff.
- They had spoken to local developers, however, other locations had been deemed not financially viable. If they did not receive help from Council, then a decision would need to be made on the future of the clinic.
- They supported consulting with the Waihi Beach community, however, they did not want to continue to delay the process.

#### Tabled Item 1 – Waihi Beach medical Centre Development Presentation

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3.11pm Mayor J Denyer re-entered the hui.

## 10 REPORTS

### 10.1 PROPOSAL TO LEASE - PRIMARY HEALTH CARE LIMITED TO OPERATE A MEDICAL FACILITY AND TO RECLASSIFY PART OF BEACH ROAD RECREATION RESERVE (WAIHI BEACH) TO LOCAL PURPOSE RESERVE (MEDICAL FACILITY)

The Committee considered a report from the Legal Property Officer Reserves and Facilities dated 15 August 2025, who provided an overview of the report.

Staff responded to pātai as below:

- The process regarding installing a Mara Kai at the reserve had been delayed, however, the applicants for the Mara Kai were supportive of the proposal for a medical centre to be built on that reserve. There would still be space available for Mara Kai at the reserve if the medical centre went ahead.
- Elderly housing units on Beach Road Reserve could be considered through consultation on the Katikati-Waihi Beach Reserve Management Plan.
- In the classification under the Reserves Act 1977, council could undertake a lease for the type of activity that a medical facility would provide, however, the activity of residential housing (like elderly housing) was precluded.
- The recommendations only sought in principle approval for the proposal, Council would make the final decision on the proposal. Through the consultation process, the public would have an opportunity to submit on the proposal.
- Council had previously made a decision to allow for a medical centre to be placed on the reserve land at the Te Mata block behind the MenzShed, however, due to the financial modelling the medical centre never went ahead.

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## RESOLUTION PMC25-3.1

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Moved: Cr M Murray-Benge

Seconded: Mayor J Denyer

1. That the Legal Property Officer Reserves and Facilities report dated 15 August 2025 titled 'Proposal to Lease - Primary Health Care Limited to operate a Medical Facility and to Reclassify Part of Beach Road Recreation Reserve (Waihi Beach) to Local Purpose Reserve (medical facility)' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Projects and Monitoring Committee approve in principle the application by Primary Health Care Limited to lease an area of approximately 1137m<sup>2</sup> on Beach Road Recreation Reserve (Waihi Beach) to locate and operate a medical facility.

**10. AND**

4. That if approved, the Projects and Monitoring Committee agrees in principle to the reclassification of the portion of Beach Road Recreation Reserve (Waihi Beach) as shown in this report from 'Recreation' to 'Local Purpose Reserve' (medical facility).

**11. AND**

- 5.a If approval in principle of item 3 and 4 above is given this approval must not be construed by the applicant, as a guarantee that all other consents required by any policy, by-law, regulation, or statute, will be forthcoming. The applicant is responsible for obtaining all consents at its own cost; and
12. 5.b That staff be directed to publicly notify for a minimum two month period of public consultation, on the proposals above in terms of section 119 of the Reserves Act 1977.

**CARRIED**

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**10.2 TE PUNA ROAD/TE PUNA STATION ROAD INTERSECTION IMPROVEMENTS**

The Committee considered a report from the Transportation Director dated 15 August 2025, who provided an overview of the report.

Staff responded to pātai as below:

- A decision on who would carry out the works to the intersection upgrade would not be decided until the appeal had been heard. The conditions currently stated that Council had until 1 October 2025 to enter into a contract for the intersection before TPIL could undertake the work.
  - If council delivered the project, they would look to further increase the improvements then what was required under the consent conditions.
-

- The purpose of the recommendations was to ensure that TPIL paid for the upgrades to the intersection as required by their consent conditions and council paid for any additional upgrades that they deem necessary.
- The intersection upgrade had to occur before the Traffic and Parking Bylaw was adopted to enable a heavy vehicle ban on Clarke Road. If this did not occur then a heavy vehicle ban on Clarke Road could only occur once the intersection had been upgraded and Traffic and Parking Bylaw Schedule had been updated.
- Council had not undertaken any traffic monitoring on Clarke Road since the heavy vehicle advisory signs had been installed.

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### RESOLUTION PMC25-3.2

Moved: Cr M Murray-Benge

Seconded: Cr D Thwaites

1. That the Transportation Director's report dated 15 August 2025 titled Te Puna Road/Te Puna Station Road Intersection Improvements be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the Project and Monitoring Committee approves Option A being that Council temporarily ceases delivery of the Te Puna Road/Te Puna Station Road intersection improvement project until such time that:
  - a. The Environment Court judicates on Priority Te Puna's appeal against the decision to grant resource consent for the TPIL development; and
  - b. Te Puna Industrial Limited agree to fully recompense Council for the cost of all roading improvements conditioned in their resource consent.

**CARRIED**

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3.57pm The hui adjourned to return to the Council meeting.

5.40pm The hui reconvened following the conclusion of the Council meeting.

### 10.3 KATIKATI WASTEWATER DISPOSAL FUTURE DIRECTION

The Committee considered a report from the Infrastructure Capital Delivery Manager dated 15 August 2025. The report was taken as read.

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Staff responded to pātai as below:

- The recommendation was to endorse an option and start a comprehensive consultation process. The final decision would be of higher significance in relation to council's significance and engagement policy.

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### RESOLUTION PMC25-3.3

Moved: Cr R Joyce

Seconded: Cr A Henry

1. That the Infrastructure Capital Delivery Manager's report dated 15 August 2025 titled 'Katikati Wastewater Disposal Future Direction' be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the Project and Monitoring Committee endorses the Draft Katikati Wastewater Disposal Future Directions Report for submission to the Bay of Plenty Regional Council as per Resource Consent condition requirements requiring a report by 31 December 2026.
4. That the Project and Monitoring Committee directs staff to further develop the preferred option in readiness for public consultation.

**CARRIED**

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5.45pm Cr R Joyce left the hui.

### 10.4 OPERATIONAL RISK AND STATUS REPORT

The Committee considered a report from the Executive Assistant Infrastructure Group dated 15 August 2025. The report was taken as read.

Staff responded to pātai as below:

- Council was seeing an increase in service request complaints around non-compliant building works.
- The average building consent required approximately 10 hours of council officer time.

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### RESOLUTION PMC25-3.4

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr A Sole

That the Executive Assistant Infrastructure Group's report, dated 15 August 2025 titled 'Operational Risk and Status Report' be received.

**CARRIED**

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## **11 INFORMATION FOR RECEIPT**

### **11.1 INFRASTRUCTURE SERVICES PROJECT UPDATES**

The Committee considered a report from the Executive Assistant Infrastructure Group. The report was taken as read.

Staff responded to pātai as below:

- The consent for the 4 lots on Clarke Road had an advisory note that stated council should seek any requirements with the Archaeological Authority before any earthworks took place. Council had submitted an application with the Archaeological Authority which was being processed.
- 

**The Meeting closed at 5.55pm.**

**Confirmed as a true and correct record by Council on 4 September 2025.**

**9.7 MINUTES OF THE COUNCIL MEETING HELD ON 28 AUGUST 2025****File Number: A6923964****Author: Pernille Osborne, Senior Governance Advisor****Authoriser: Robyn Garrett, Governance Manager****RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 28 August 2025 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**ATTACHMENTS**

1. **Minutes of the Council Meeting held on 28 August 2025**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL25-12  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 28 AUGUST 2025 AT 10.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 PRESENT

Mayor J Denyer, Deputy Mayor J Scrimgeour, Cr G Dally, Cr R Joyce, Cr M Murray-Benge, Cr L Rae, Cr A Sole and Cr D Thwaites.

## 3 IN ATTENDANCE

M Taris (Interim Chief Executive), A Henderson (General Manager Corporate Services), E Watton (Acting General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), A King (Legislative Reform and Special Projects Strategic Advisor), E Wentzel (Director Water Services), L Balvert (Communications Manager), J Fearn (Chief Financial Officer), R Garrett (Governance Manager), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

## 4 APOLOGIES

Council noted that Cr Grainger and Cr Wichers were on leave of absence.

### APOLOGY

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### RESOLUTION CL25-12.1

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the apologies for absence from Cr Coxhead and Cr Henry be accepted.

**CARRIED**

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## 5 CONSIDERATION OF LATE ITEMS

Nil

## 6 DECLARATIONS OF INTEREST

Nil

## 7 PUBLIC EXCLUDED ITEMS

Nil

## 8 PUBLIC FORUM

Nil

## 9 REPORTS

### 9.1 ADOPTION OF THE WATER SERVICES DELIVERY PLAN

Council considered a report dated 28 August 2025 from the Strategic Advisor.

The Mayor noted that although the Water Services Delivery Plan and Commitment Agreement were provided as separate reports within the agenda, staff would speak to, and take pātai on, them together.

The Strategic Advisor provided an overview of the report and the recommendations therein, and noted the following points:

- Tabled Item 1 had been provided to Councillors, which was the proposed Commitment Agreement including tracked changes proposed by Tauranga City Council at their meeting.
- The main change was to allow discretion to create an Elected Members Governance Group, which sat over and above the CEO Oversight Group.
- The Commitment Agreement had also been updated to refer to The Treaty of Waitangi instead of Te Tiriti o Waitangi.
- The following suggested changes had been brought to staff following the publishing of the agenda:
  - Page 20: Change to the sentence “Assets (including land) where a significant purpose is recreation, and open space.”;
  - Page 21: Change reference of Te Tiriti o Waitangi to Treaty of Waitangi; and
  - Page 114: All references to Thames-Coromandel District Council (TCDC) would be removed.
- All amendments will be made prior to submitting the final Water Services Delivery Plan to the Department of Internal Affairs in conjunction with Tauranga City Council (TCC).

Staff responded to pātai as follows:

- In relation to regular monitoring of ageing asbestos cement pipes, it was noted that the water in the pipes was not being monitored for presence of asbestos. The risk with asbestos was not through ingestion but rather when airborne through handling or cutting the pipe.
- If there was a leak that required the pipe to be cut into, there was a procedure that had to be followed to ensure the safety of those undertaking the work; it was noted that as part of this procedure they would also flush the line.
- In relation to the points noted under 'Statutory Compliance' within the report, it was clarified that Section 63 of the Local Government Act gave Council the option of not consulting on a Long-Term Plan amendment if they believed that the criteria stated were met.
- The intended start date of the Water Organisation (WO) was 1 July 2027, this date aligned with the adoption of Council's next Long Term Plan; this meant that an amendment would not be required therefore eliminating costs associated with potential additional consultation.
- It was noted that paragraph 47 of the report related to the funding required to transfer the IT Support System.
- Each Council was required to meet the 'free-funds operations to debt' ratio, noting that the size of the organisation determined how much they would be eligible to borrow.
- Council would continue to keep the community informed on updates in relation to Local Waters Done Well decisions and next steps through the existing communications and engagement channels.
- The WO would have specific reporting and information requirements to their customers, noting that there was also the opportunity for Council to set certain requirements for the Waters Organisation through the Statement of Expectation. The Waters Organisation would also need to meet statutory requirements.
- Staff acknowledged that the purpose of the document was to have a Commitment Agreement to establish the Water Services Organisation. In relation to Shareholders Allocation, Statement of Expectation, and the governance of the actual Water Services Organisation, this would be a separate process.
- The purpose of the CEO Oversight Group was about progressing operational matters rather than the final governance model.
- There were parts of the Commitment Agreement that required a Council decision to proceed.
- Schedule 1 within the Commitment Agreement 'Agreement Details' would be amended to say 'Western Bay of Plenty District Council member: To be nominated by the Mayor and approved by the Western Bay of Plenty District Council.'
- The Levels of Service for the WO would be set by the CCO, noting that they would be governed by matters set out through the Commerce Commission, the Water Regulator and the Local Government (Water Services) Act.

- The Water Organisation would be working on an asset management basis in terms of how they make decisions around capital expenditure. Other matters in play included ringfencing of debt and not having price harmonisation for the first five years. This meant that there would be a number of factors the CCO would need to consider when making decisions around which capital infrastructure they needed to invest in first. It was noted that this was something that could also be captured through the Statement of Expectation.

## RESOLUTION CL25-12.2

Moved: Cr R Joyce

Seconded: Cr D Thwaites

1. That the Strategic Advisor's report dated 28 August 2025 titled 'Adoption of the Water Services Delivery Plan' be received.
2. That the report relates to an issue that is considered to be of **high** significance in terms of Council's Significance and Engagement Policy.
3. That Council adopts the Water Services Delivery Plan on the basis of a multi-Council Water Organisation with Tauranga City Council as a preferred partner (**Attachment 1**), including the minor amendments approved at the Council meeting.
4. That Council delegates to the Chief Executive Officer to make the changes from the Council meeting and any minor editorial changes to the Water Services Delivery Plan.
5. That Council authorises the Chief Executive Officer to submit the Water Services Delivery Plan to the Secretary of Local Government no later than 3 September 2025.
6. That Council authorises the Chief Executive Officer to work with the Chief Executive Officer Tauranga City Council on the potential establishment of a multi-Council Water Organisation (as outlined in the Commitment Agreement), with an establishment date of 1 July 2027.

The motion was voted on and a division was called and recorded as follows:

For: Mayor Denyer, Deputy Mayor Scrimgeour, Cr Thwaites, Cr Joyce and Cr Dally.

Against: Cr Murray-Benge, Cr Rae and Cr Sole.

**CARRIED 5/3**

## 9.2 APPROVE THE COMMITMENT AGREEMENT FOR THE POTENTIAL ESTABLISHMENT OF A MULTI-COUNCIL WATER ORGANISATION

Council considered a report dated 28 August 2025 from the Strategic Advisor. This report was spoken to as part of the first agenda item.

Staff responded to further pātai as follows:

- Staff understood that under the 'Key Establishment Considerations – Revenue and Pricing' on page 26 of Tabled Item 1, the reference to "customer segmentation" related to the different customers of the WO, and whether this was commercial, residential or rural customers.
- The Economic Regulator would be looking at the whole regime, including the appropriateness of the capital programme, therefore it would be governed and tightly monitored to avoid customer price shocks.
- Through the Multi-Council Water Organisation peak efficiencies were expected by year 10. It was clarified, by the Mayor, that this would not be price reductions, but rather lower increases than what would otherwise have been.
- In terms of debt, these would be ringfenced meaning the costs would be pushed back to the respective councils. This would only change through full agreement by all councils involved in the Water Organisation.
- Any protections required in relation to Tauranga City Council's debt level affecting the Water Organisation's borrowing could be captured through the due diligence process. The WO had to be compliant for the Free Funds and Operations (FFO) requirements by year five of establishment.
- The rationale provided for appointing TCC as the "project administration agent" was due to needing to assign a lead role when multiple councils were involved. It was noted in this instance that they would take the lead in regard to paying bills, to avoid being invoiced separately. It was clarified that although TCC was taking the lead role, Western Bay of Plenty District Council would be agreeing to all costs and working requirements involved.
- The purpose of due diligence was the ability to better understand Council's partner and ensure that everything was captured for protection, as well as provide any off-ramps.
- In regard to "off-ramps" this would likely come from staff through a report highlighting the issue found, to determine how Council wanted to deal with it. The report would also need to highlight the costs associated.
- Staff had previously advised on the difference between shareholding allocations and voting rights, noting that these were intended to be two separate matters.
- Additional changes to the Commitment Agreement:
  - All references to the Bill would be changed to Act, as it had now been enacted;
  - All reference to Te Tiriti o Waitangi would be changed to Treaty of Waitangi;
  - and

- 'Agreement Details' would be amended to say 'Western Bay of Plenty District Council member: To be nominated by the Mayor and approved by the Western Bay of Plenty District Council.

---

### RESOLUTION CL25-12.3

Moved: Mayor J Denyer

Seconded: Cr R Joyce

1. That the Strategic Advisor: Legislative Reform and Special Project's report dated 28 August 2025 titled 'Approve the Commitment Agreement for the potential establishment of a Multi-Council Water Organisation' be received.
2. That the report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.
3. That Council approves the Commitment Agreement (**Tabled Item 2**) with Tauranga City Council including the minor amendments approved at the Council meeting.
4. That Council delegates to the Mayor and Chief Executive Officer to make minor amendments, finalise, and execute the Commitment Agreement with its partners, noting that any material change would come back to Council for approval.
5. That Council directs the Chief Executive Officer to undertake the actions set out in the Commitment Agreement that are required to establish a multi-Council Water Organisation.
6. That Council delegates authority to the Chief Executive Officer to approve and implement actions to meet due diligence requirements to support the potential establishment of a multi-Council Water Organisation noting that funding for these activities is provided for in the Annual Plan 2025/26.
7. That Council approves Tauranga City Council to a "project administration agent" role as part of the establishment of the multi-Council Water Organisation.

The motion was voted on and a division was called and recorded as follows:

For: Mayor Denyer, Deputy Mayor Scrimgeour, Cr Thwaites, Cr Joyce, Cr Sole and Cr Dally.

Against: Cr Murray-Benge and Cr Rae

**CARRIED 6/2**

---

### 10 INFORMATION FOR RECEIPT

Nil

**11 RESOLUTION TO EXCLUDE THE PUBLIC**

Nil

**The Meeting closed at 12.03pm.**

**Confirmed as a true and correct record at the Council meeting held 4 September 2025.**

.....  
Mayor J Denyer  
**CHAIRPERSON / MAYOR**

Unconfirmed

## 10 REPORTS

### 10.1 UNAUDITED DRAFT ANNUAL REPORT 2024–2025

**File Number:** A6918001

**Author:** Jonathan Fearn, Chief Financial Officer

**Authoriser:** Adele Henderson, General Manager Corporate Services

#### EXECUTIVE SUMMARY

The purpose of this report is to receive the Unaudited Draft Annual Report for the year ended 30 June 2025. This enables the outgoing Councillors to provide feedback and ask questions before Council enters the interregnum period.

It is important to note that while the Annual Report has completed internal quality review, it has not been reviewed by Audit New Zealand and no Audit Opinion is available at this time.

This is an **Unaudited Draft Annual Report** and is subject to change through finalisation and the completion of the Audit process.

#### RECOMMENDATION

1. That the Chief Financial Officer's report dated 4 September 2025 titled 'Unaudited Draft Annual Report 2024–2025' be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That Council receive the Unaudited Draft Annual Report 2024–2025 (**Attachment 1** of this report).

#### BACKGROUND

The Unaudited Draft Annual Report for the year ended 30 June 2025 (**Attachment 1**), including Financial Statements, and Non-Financial Performance Reports for each of Council's activities, are presented to provide an initial view and discussion prior to finalisation and completion of the audit.

#### 2024/2025 HIGHLIGHTS

The Statement of Comprehensive Revenue and Expense shows the Council received \$203.9m in revenue against a budget of \$195.9m. The key components being Rates at 52% and Subsidies and Grants at 27%.

Subsidies and Grants received of \$55.4m were lower than the budget of \$60.7m but significantly higher against last year, \$16.2m. The key revenues here were \$25.1m from

National Infrastructure Funding and Financing Limited, previously known as Crown Infrastructure Partners, and \$23.4m from New Zealand Transport Agency Waka Kotahi, with the significant, planned, increase in Capital programme completion driving these revenues. External subsidy funding was also received for Heron Crescent housing development.

Total Expenditure at \$151.6m was higher than budgeted expenditure of \$140.3m. While Personnel and Finance costs were lower than budget, Depreciation and Amortisation, and Other Expenses were higher than planned. Maintenance costs of \$43.5m were a key factor in the Other Expenses but overall, this category was lower than the prior year by \$3.8m.

A Net Surplus of \$52.3m resulted for the year, reflecting the impact that Subsidies and Grant revenue from timing of capital programmes.

The Statement Of Financial Position shows external borrowings of \$175m at 30 June 2025 an increase of \$60m over the 12 months and relevant to the budgeted \$180m. Council successfully retained its S&P credit rating of AA (long term) and A-1+ (short term) with negative outlook, through the financial year. Lower interest rates compared to prior year and budget, and the application of Councils hedging policy, have helped a lower finance cost for the year.

A net cash inflow from operating activities of \$83.7m against budget of \$82.5m is a further reflection of the Subsidy and Grant revenues received. A net \$137.4m was mostly invested in property plant and equipment and the additional \$60m of borrowings completes the cash movements in the Statement of Cashflows.

### **AUDIT PROGRESS**

The Audit New Zealand team completed their second interim visit at Council at the time of writing this report. Excellent progress has been made by both Audit and Council Finance with a Draft Annual Report produced and provided to Audit in mid August. Audit has been complimentary of the readiness of Council and noted the 90%+ completion of their audit requirements well in advance of requested timeframes. While no audit assurance on the Annual Report is able to be provided by at this time, weekly status meetings provide confidence that the key areas of concern raised during planning are being progressed with no significant adjustments requested at this time.

Audit New Zealand will return to Council on 22 September to complete the final stages of the audit. Council staff are confident that it will be ready to complete its Annual Report ahead of the statutory deadline of 31 October 2025, however as previously communicated to Council, audit timeframes and the interregnum period will likely result in adoption of the Annual Report after this deadline.

**AUDIT REPRESENTATION LETTER**

Audit representation letters will be required as part for the annual report process, these letters will be presented to the Council at the Annual Report adoption meeting post the interregnum period. Audit representation letters are provided by Council in connection with the audit of the financial statements, activities and services statements for the purpose of expressing an opinion on the information presented. The audit is carried out by Audit New Zealand on behalf of the Auditor General.

**ATTACHMENTS**

- 1. UNAUDITED DRAFT Annual Report 2024-2025**  



Te pūrongo ā-tau

# Annual Report

For year ending 30 June 2025



**Western  
Bay of Plenty**  
District Council

## Ngā rārangi upoko

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**10.2 CARRY FORWARDS FY2025 TO FY2026****File Number: A6917959****Author: Jonathan Fearn, Chief Financial Officer****Authoriser: Adele Henderson, General Manager Corporate Services****EXECUTIVE SUMMARY**

1. The purpose of this report is to seek approval from Council to carry forward the operational and capital expenditure budgets of specific projects from 2025 financial year to the 2026 financial year and to ensure that the decision to approve the carry forwards is financially prudent, as required by the Local Government Act 2002.
2. These carry forwards have been requested by delegated budget holders and after a detailed review with Finance have been supported by the Chief Executive and Executive Leadership Team as part of the financial year end process.
3. Council is required to approve the budget for projects not commenced or completed during the 2024–2025 financial year that are to be carried forward into 2025–2026. There are a number of reasons for the change in timing of these projects. Many have been delayed either because of straightforward timing issues or reliance on the performance of third parties.

**RECOMMENDATION**


1. That the Chief Financial Officer's report dated 4 September 2025 titled 'Carry Forwards FY2025 to FY2026' be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the operational carry forwards of \$472,909 and capital carry forwards of \$28,679,544 be approved by Council.

**BACKGROUND**

4. Every year during the annual plan process various projects and initiatives are approved as part of Council's capital works and services programme. For a number of reasons not all these projects are commenced or completed as projected with an financial year. Reliance on the performance of third parties, external funding and weather events are just some of the reasons why the works are not completed
5. In some instances, these projects or programmes are difficult to forecast, and completion or non-completion is not a perfect science.

6. The approval process includes delegated budget holder providing a request for the carry forward to finance who collate the details and seek a detailed justification for the carry forward. Funding of the requested carry forward is considered as well as the available budget in the current year for that cost centre and/or activity.
7. Where these carry forward have sufficient justification approval is sought from the Chief Executive and Executive Leadership Team, prior to seeking approval from Council.
8. During the financial year there may have also been the opportunity for some projects to have been delivered early. In this case Bought Forward are used and often swapped out with projects that have been delayed.
9. The net of these Brought Forwards and Carry Forwards is the impact to the budget of the next financial year. Making the focus on funding during the approval process an important part of the process.
10. As part of the 2025 year end the Carry Forward process has been completed. A total of \$472,909 of operational and \$28,679,544 of capital has been approved. The capital programme has \$13,690,457 of Brought Forwards to off set the carry forwards in that area. Without considering the funding source, the net impact to the 2026 budget is \$15,461,996.
11. On approval these amounts will form a Revised Budget for 2026.
12. The \$473k of Operational Carry Forward budgets are predominately made up of Triennial Elections \$121k, MBIE ring fenced funding for Freedom Camping activities \$68k, contracted carbon and energy inventory audit \$92k, Waihi Beach WWTP consent requirements \$44k, Tu Mai Digital multi year contract \$34k, and Vision2Action community wellbeing plan \$37k. The remainder of these operational Carry Forwards, \$77k, are made up of smaller projects that have started or been committed to in the 2025 year for completion in the 2026 year.
13. The largest of the Capital Carry Forwards is that of the combined projects of the Omokoroa Structure plan stage 1, stage 2 and the temporary roundabout. The Carry Forwards value in 2026 of these combined structure projects are \$15.4m. These projects had a change in timing because of installation of a PowerCo cable along side the roading works, and intentional delayed procurement which achieved a \$4m saving to the project.

14. Below is a summary by each activity requesting Carry Forwards. A detailed list of the Capital Carry Forwards with the respective justification is included in **Attachment 1**.

<b>2025 Financial Year Carry Forwards</b>			 <b>Western Bay of Plenty District Council</b>	
<b>Activity Group</b>	<b>Operational Carry Forwards</b>	<b>Capital Carry Forwards</b>	<b>Brought Forwards (into 2025)</b>	
Representation	\$120,510	\$0	\$0	
Planning For Future	\$29,318	\$0	\$0	
Rec & Open Spaces	\$6,219	\$4,683,442	\$0	
Corp Services	\$62,260	\$74,693	\$0	
Communities	\$36,711	\$113,999	-\$2,967,117	
Economic Development	\$14,080	\$0	\$0	
Natural Environment	\$92,000	\$0	\$0	
Regulatory – Public Enquiries	\$67,811	\$0	\$0	
Solid Waste	\$0	\$0	\$0	
Stormwater	\$0	\$1,907,379	-\$167,000	
Transport	\$0	\$15,497,282	-\$5,254,340	
Water	\$0	\$1,567,818	-\$5,051,000	
Wastewater	\$44,000	\$4,834,931	-\$251,000	
	<b>\$472,909</b>	<b>\$28,679,544</b>	<b>-\$13,690,457</b>	

**ATTACHMENTS**

1. **2025 Capital Carry Forwards – Detailed**  







### 10.3 RIGHT-OF-WAY EASEMENT IN FAVOUR OF LOTS 1, 2, 3 AND 6 DEPOSITED PLAN 540637 OVER, AND CLASSIFICATION OF MUNRO GREENLANE RESERVE, MINDEN BEING LOT 4 DEPOSITED PLAN 540637

**File Number:** A6915792

**Author:** Joanne Hin, Legal Property Officer Reserves & Facilities

**Authoriser:** Scott Parker, Acting Reserves and Facilities Manager

#### EXECUTIVE SUMMARY

This report seeks Council's consent under its delegated authority in respect of:

The granting of rights of easements in accordance with Section 48(1) of the Reserves Act 1977, for right-of-way easements over Munro Greenlane Reserve (Lot 4 DP 540637) in favour of:

- Lot 1 DP 540637 – Title 906621; and
- Lot 2 DP 540637 – Title 906622; and
- Lot 3 and 6 DP 540637 – Title 906223.

On the basis of Council's existing Policy on Private Access over Reserve land, it is recommended that a Right-of-Way pursuant to Section 48 of the Reserves Act 1977, be granted subject to all statutory requirements being met; and

s16 (2A) Reserves Act 1977, to formally classify Munro Greenlane Reserve as Local Purpose (Greenlane) Reserve as intended by the vesting of the land via subdivision.

#### RECOMMENDATION

1. That the Legal Property Officer Reserves and Facilities' report dated 4 September 2025 and titled 'Right-of-way Easement in Favour of Lots 1, 2, 3 and 6 Deposited Plan 540637 Over, and Classification of Munro Greenlane Reserve, Minden being Lot 4 Deposited Plan 540637' be received.
2. That the report relates to an issue that is of **low** significance in terms of Council's Significance and Engagement Policy.
3. That having considered the provisions of Section 48 (3) of the Reserves Act 1977, Council, in its capacity as administering authority, does not require public notification of its intention to grant a right-of-way easement for the reasons contained in Section 2 of the report.
4. That pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a right-of-way

easement shown on the attached plan (**Attachment 1**) to allow to provide access to Lots 1, 2, 3, and 6 Deposited Plan 540637 subject to:

- a. The access being for ROW purposes only;
  - b. The Easement agreement includes conditions that protects Council against future maintenance; and
  - c. The costs associated with the granting of an Easement are borne by the applicant.
5. That Council, in its capacity as administrating body of the reserve, resolves that Lot 4 Deposited Plan 540637 is classified in accordance with the Reserves Act 1977, s16 (2A) and classified as "Local Purpose (Greenlane) Reserve" in accordance with the Reserves Act 1977, s23.

## BACKGROUND

1. Council is in receipt of a request from New Zealand Transport Agency (NZTA) on behalf of the landowners to obtain a Right-of-Way easement pursuant to Section 48 of the Reserves Act 1977, in order to gain legal access over two areas of Council reserve land.
2. As part of NZTA's SH 2 Takitimu North Link Project Council has been approached to acquire the necessary land required for construction. Some land needs partial or total acquisition by NZTA, whereas some land requires other rights such as easements, etc. Three landowners, as detailed in the Executive Summary, will lose their current access onto SH2 as a result of the project construction. A proposal for shared access to these landowner lots has resulted in NZTA requesting a ROW easement across two sections of Council owned reserve being Lot 4 DP 540637 (shown circled in red on **Attachment 1**). In return, NZTA will provide access rights over the adjoining Crown land (841 SH2 held in title 226892) for part of the proposed cycleway (as shown in magenta on **Attachment 1**).
3. NZTA and Council staff have entered into a joint valuation on the basis that NZTA will purchase this easement from Council. The agreed value is \$7,019.50 plus GST. An agreement to grant easement will be entered into to outline each parties actions in relation to the creation and registration of the easement. NZTA will pay all costs relative to this process.

### **Easement**

4. Easements are the preferred option to ensure ongoing access certainty. While it is unlikely that the status of the reserve land would change in the future, without an easement there is no formal access available for the parties.
5. A survey plan will be required to be created to detail the proposed easement's location.

6. Council has an existing policy for private access over reserve land (see **Attachment 2**). Based on Council's existing policy, it is recommended that a Right-of-Way easement pursuant to Section 48 of the Reserves Act 1977 be granted, subject to appropriate easement conditions being agreed and all statutory requirements being met.

### **Advertising**

7. One point Council needs to consider under the statutory process is whether there is a need to publicly advertise the intention to grant a right-of-way as required under Section 48 (2) of the Reserves Act 1977.
8. Section 48 (2) does not apply in any case where:
  - a. The reserve is vested in an administering body (Council) and is not likely to be materially altered or permanently damaged; and
  - b. The rights of the public in respect of the reserve are not likely to be permanently affected.

### **The proposed easement to allow**

9. Given the above, it is highly unlikely that the public's rights would be permanently affected should a right-of-way for access purposes be established. Where the easement fully crosses the reserve, NZTA have agreed to installing signage warning reserve users that vehicles may be crossing ahead.
10. A right-of-way easement is not an exclusive right, and Council, along with members of the public, would retain access rights. On this basis, it is not deemed necessary to publicly advertise the proposed right-of-way easement in this instance. However, Council may choose to do so at its discretion.
11. The Department of Conservation require that, in terms of the delegation of the Minister's powers under the Reserves Act 1977, this is to be made by councils and recorded as such.

### **Sale of reserve land**

12. Although potentially an option, the sale of reserve land would require a more rigorous statutory process involving the revocation of the reserve status over the subject area of land, public advertising under both the Reserves Act 1977 and the Local Government Act 2002, as Council has identified the sale of reserve land subject to the Reserves Act 1977 to be an issue of significance in its Long Term Plan.

### **Classification of Reserve in conjunction with easement process**

13. At this time, it would also be practical to formally classify the reserve as intended by the vesting of the land via subdivision.
14. When a subdivision survey plan for deposit specifies that the land will vest in Council as a reserve under the Reserves Act 1977, the land is deemed to be subject to the Act once deposited. However, it remains unclassified until Council passes a formal

resolution. The resolution is then notified to the Commissioner who in turn updates the land register. The Director-General of Conservation has the authority to appoint specific officers as Commissioners for the purposes of the Reserves Act. A gazette notice will be published to record the classification type on the title.

- 15. Munro Greenlane Reserve, Minden, being Lot 4 Deposited Plan 540637 (shown marked green on **Attachment 1**) was vested as reserve in 2019 but not formally classified. Classifying the land will give full legal effect to the Management Plan and ensure the land’s status is accurately reflected.

**SIGNIFICANCE AND ENGAGEMENT**

- 16. The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council’s Significance and Engagement Policy. In making, this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
- 17. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
- 18. In terms of the Significance and Engagement Policy, this decision is of low significance. There will be increased access opportunities to reserve land which are currently unavailable to the public but there will be no change to the existing environment that affects those reserve users. There is low community and financial impact as a result.

**ENGAGEMENT, CONSULTATION AND COMMUNICATION**

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Name of interested parties/groups, Tangata Whenua, General Public	<p>Not undertaken.</p> <p>A right-of-way easement is not an exclusive right, and Council, along with members of the public, would retain access rights. On this basis, it is not deemed necessary to publicly advertise the proposed right-of-way easement in this instance. However, Council may choose to do so at its discretion.</p> <p>As the decision to provide a classification type to the reserve was undertaken at time of subdivision no further consultation is required. The adoption of the reserve type</p>	Planned	Completed

	<p>will give full legal effect to the Management Plan and ensure the land's status is accurately reflected as per the deposited plan and land title.</p>		
--	--	--	--

**ISSUES AND OPTIONS ASSESSMENT**

<p style="text-align: center;"><b>Option A</b> Recommendation</p> <p>That pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a right-of-way easement shown on the attached plan (<b>Attachment 1</b>) to allow to provide access to Lots 1, 2, 3, and 6 Deposited Plan 540637 subject to:</p> <ul style="list-style-type: none"> <li>(a) The access being for ROW purposes only; and</li> <li>(b) the Easement agreement includes conditions that protects Council against future maintenance; and</li> <li>(c) the costs associated with the granting of an Easement are borne by the applicant.</li> </ul> <p>That Council, in its capacity as administrating body of the reserve, resolves that Lot 4 Deposited Plan 540637 is classified in accordance with the Reserves Act 1977, s16 (2A) and classified as "Local Purpose (Greenlane) Reserve" in accordance with the Reserves Act 1977, s23.</p>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p>This option is consistent with Council's Policy on this issue.</p> <p>Staff assess applications on a case-by-case basis with the assistance of the criteria contained in the policy.</p> <p>On this basis, staff consider that the establishment of a Section 48 right-of-way easement pursuant to the Reserves Act 1977 is the most practical option.</p> <p>This option would require due statutory process to be followed.</p> <p>Classification of the reserve at this time will also conclude the legal process for reserve land classification.</p>

<p><b>Costs (including present and future costs, direct, indirect and contingent costs).</b></p>	<p>Costs for the creation of the easement and gazette notice to classify the reserve are to be borne by NZTA.</p> <p>The easement Grantees will be required to contribute to maintenance costs.</p>
<p><b>Option B</b> Status Quo</p>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p>This option is not in keeping with Council's policy on private access across reserve land, and does assist with access to land that will lose its access as a result of the Takitimu North Link Project.</p> <p>The reserve will not be classified but still subject to section 16(6) of the Reserves Act 1977 which requires the land to be held and administered for the purpose of its existing reservation, and the Council shall continue to control and manage the reserve under the appropriate provisions of the Act pending its classification.</p>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs).</b></p>	<p>N/A</p>

### STATUTORY COMPLIANCE

19. Section 48 (1) and 48 (3) of the Reserves Act 1977 provides Council with the Statutory authority to grant easements over reserves.
20. Where a reserve has been vested in Council and has been created under part 10 of the Resource Management Act 1991 (Reserves Act s16(2A)(g)) Council must by resolution classify the reserve according to its principal or primary purpose, typically recreation or local purpose reserve.

**FUNDING/BUDGET IMPLICATIONS**

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
No funding required	<p>An application fee of \$550 per land parcel for the ROW and all legal costs relative to the registration will be paid by the applicant.</p> <p>NZTA will pay for the gazette notice to formally classify the reserve.</p> <p>NZTA will pay for public signage to warn the public of the crossing of the reserve by the ROW.</p> <p>The easement instrument protects Council from further maintenance or replacement costs of the easement facility.</p> <p>Costs associated with installing any future driveway are to be borne by the Grantees.</p>

**ATTACHMENTS**

1. **Plan showing Munro Greenlane Reserve (Green) proposed easement sections** 
2. **Policy - Private Access over Reserve Land**  







## 10.4 RECOMMENDATORY REPORT – WAIHĪ BEACH COMMUNITY BOARD – WILSON ROAD CARPARK LIGHTING

**File Number:** A6894884

**Author:** Sam Dunstan, Project Engineer Transportation

**Authoriser:** Calum McLean, Director Transportation

### EXECUTIVE SUMMARY

Council is required to consider the recommendations from the Waihī Beach Community Board and resolve accordingly. This report seeks a decision from Council to approve the purchase and installation of two solar powered lights at Wilson Road carpark.

### RECOMMENDATION

1. That the Project Engineer Transportation's report dated 4 September 2025 and titled 'Recommendatory Report – Waihī Beach Community Board – Wilson Road Carpark Lighting', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council approves up to \$25,000 from the Waihī Beach Town Centre Development Fund for costs relating to the installation of two solar powered lights at Wilson Road car park (25 Wilson Road).

#### **OR**

That Council does not approve the funds required to install two solar powered lights at Wilson Road car park (25 Wilson Road).

### BACKGROUND

1. Since the Wilson Road car park (behind The Porch, 25 Wilson Road) has been expanded to include more vehicle spaces, car park users and adjacent business owners have voiced concerns about the safety of the area at night. At the Community Board workshop held during January 2025, Board Members requested that staff seek prices for lighting improvements.
2. At the 7 April 2025 Waihī Beach Community Board meeting, the Waihī Beach Community Board received the 'Wilson Road Car Park Lighting' report which provided two lighting options for the carpark. Option one being five solar powered lights and option two being five mains powered lights each estimated to cost approximately \$60,000. The Board requested further investigation into the feasibility and estimated cost of two alternative options:

- repurposing two existing lighting units from the Waihi Beach Library
  - and supplying two of the five proposed solar lights as standalone options.
3. Staff do not recommend attempting to reuse the second-hand lights because both are approaching end of life.
  4. The option to install two of the five proposed solar lights was investigated by staff and a report was provided to the Waihi Beach Community Board as part of the 04 August 2025 meeting agenda. The cost of supply and installation is detailed below:

**Costs:**

		Total Cost (excl. GST)
<b>Solar power – 2 lights</b>		
Supply 2 lights and poles @\$7,680ea	\$15,360	
Installation of lights and poles @ \$2,920ea	\$5,840	
<i>Note: While this option will improve lighting, some areas of the car park will remain dimly lit.</i>		<b>\$21,200</b>

5. The above prices assume that all work will be carried out:
  - during normal working hours (7:00am – 4.30pm Mon–Fri), and
  - during a single visit to site.
6. The product lead time is 8-10 weeks.
7. A solar powered luminaire can operate at 100% output (10W) from dusk for 5 hours, then dim to 20% for the remainder of the night. The motion sensor will restore 100% brightness for 1 minute when activated. If the lights are connected to mains power an additional cost is associated to have light dimming with similar functionality as the solar option (for \$4,233). The solar power option includes a 5-year manufacturer’s warranty.
8. Maintenance and power costs (if applicable) are proposed to be funded from existing Transportation operational budgets.
9. A 10% allowance for contingency has been added to the estimate in the recommendation.

**RECOMMENDATION FROM THE WAIHI BEACH COMMUNITY BOARD ON 4 AUGUST 2025**

**RESOLUTION WBC25-4.1**

Moved: Chairperson D Simpson

Seconded: Member R Goudie

2. In respect to the Wilson Road Car Park Lighting Project,

- a. That the Waihi Beach Community Board recommends that Council approves maximum expenditure of \$25,000 from the Waihi Beach Town Centre Development Fund for the supply and installation of two solar powered lights at Wilson Road car park (25 Wilson Road).

**SIGNIFICANCE AND ENGAGEMENT**

- 10. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council’s Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
- 11. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
- 12. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because the decision:
  - Affects only a very small number of residents and ratepayers;
  - Does not require a policy or District Plan change;
  - Can be funded from an existing budget; and
  - Covers an activity routinely undertaken by Council.

**.ENGAGEMENT, CONSULTATION AND COMMUNICATION**

<b>Interested/Affected Parties</b>	<b>Completed/Planned Engagement/Consultation/Communication</b>		
Business owners and residents surrounding the car park.	Adjacent residents and property owners will be notified prior to installation.	Planned	Completed

**ISSUES AND OPTIONS ASSESSMENT**

<b>Option A</b>	
<p>That Council approves up to \$25,000 from the Waihi Beach Town Centre Development Fund for costs relating to the installation of <u>two solar powered lights</u> at Wilson Road car park (25 Wilson Road).</p>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li><b>Environmental</b></li> </ul>	<p><b>Advantages:</b></p> <ul style="list-style-type: none"> <li>• Uninterrupted power supply</li> <li>• Reduces crime by deterring antisocial behaviour, theft, and vandalism.</li> <li>• Helps pedestrians and drivers see better at night, reducing accidents.</li> <li>• Provides a sense of security for residents walking at night.</li> <li>• Can be implemented quicker than installing mains connected lights.</li> </ul> <p><b>Disadvantages:</b></p> <ul style="list-style-type: none"> <li>• Solar panels and batteries can be a target for vandalism.</li> <li>• Light spill may be perceived negatively by adjacent property owners.</li> <li>• <b>While this option will improve lighting, some areas of the car park will remain dimly lit.</b></li> </ul>
<p><b>Costs (including present and future costs, direct, indirect, and contingent costs).</b></p>	<p>Estimated \$23,320 to supply and install (incl. 10% contingency)</p> <p>Future maintenance costs to be funded from existing Transportation operational budgets.</p>

<b>Option B</b>	
<p>That Council <u>does not</u> approve the funds required to install two solar powered lights at Wilson Road car park (25 Wilson Road).</p>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p><b>Advantages:</b></p> <ul style="list-style-type: none"> <li>• No cost</li> <li>• No risk that light spill could be perceived negatively by adjacent property owners.</li> </ul> <p><b>Disadvantages:</b></p> <ul style="list-style-type: none"> <li>• Does not reduce crime by deterring antisocial behaviour, theft and vandalism.</li> <li>• Does not help pedestrians and drivers see better at night or reduce accidents.</li> <li>• Does not provide a sense of security for residents walking at night.</li> </ul>

**STATUTORY COMPLIANCE**

13. The recommendation(s) meets:
- Local Government Act 2002
  - Development Code

**FUNDING/BUDGET IMPLICATIONS**

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
\$25,000	Funding for this project is proposed to be from the Waihi Beach Town centre Development Fund. If Council does not approve the funding, alternative funding arrangements must be made.

## 10.5 RESOURCE MANAGEMENT ACT REFORM – SUBMISSIONS

**File Number:** A6910457

**Author:** Tracey Miller, Resource Management Strategic Advisor

**Authoriser:** Emily Watton, Acting General Manager Strategy and Community






### EXECUTIVE SUMMARY

For the information of the Council meeting, this report presents the submissions made by Western Bay of Plenty District Council (WBOPDC) in relation to the Resource Management Act reform.

### RECOMMENDATION

1. That the Resource Management Strategic Advisor's report dated 4 September 2025, titled 'Resource Management Act Reform – Submissions', be received.
2. That the following submissions, shown as **Attachment 1, 2, 3, 4 & 5** to this report, be received by Council and the information noted:
  - a. Submission on the RMA Fast-track Bill
  - b. Submission on the RMA Freshwater and Other Matters Amendment Bill (Bill 1)
  - c. Submission on RMA Consenting and Other System Changes Amendment Bill (Bill 2)
  - d. Submission on National Direction Packages – Infrastructure and Development (1), Primary Sector (2), Freshwater (3)
  - e. Submission on National Direction Package 4 – Going for Housing Growth.

### ATTACHMENTS

1. **Resource Management Act Fast-Track Bill – WBOPDC submission** 
2. **Resource Management Act Freshwater and Other Matters Amendment Bill – WBOPDC submission** 
3. **Resource Management Act reform Bill 2 Consenting and Other System Changes – WBOPDC submission** 
4. **Resource Management Act National Policy Direction proposed amendments packages 1-3 – WBOPDC submission** 
5. **Resource Management Act National Policy direction package 4 – Going for Housing Growth – WBOPDC submission** 

























































































## 10.6 WESTERN BAY OF PLENTY DISTRICT COUNCIL SUBMISSION ON THE LOCAL GOVERNMENT (SYSTEM IMPROVEMENTS) AMENDMENT BILL

**File Number:** A6922238

**Author:** Matthew Leighton, Policy and Planning Manager

**Authoriser:** Emily Watton, Acting General Manager Strategy and Community

### EXECUTIVE SUMMARY

For the information of Council, this report presents a submission made by Western Bay of Plenty District Council on the following matter:

- (a) Local Government (System Improvements) Amendment Bill.

### RECOMMENDATION

1. That the Policy and Planning Manager's report dated 4 September 2025 titled 'Western Bay of Plenty District Council submission on the Local Government (System Improvements) Amendment Bill' be received.
2. That the following submission, shown as **Attachment 1** to this report, be received by Council and the information noted.
  - a. Submission on Local Government (System Improvements) Amendment Bill.

### ATTACHMENTS

1. **Western Bay of Plenty District Council's submission on the Local Government (Systems Improvements) Amendment Bill**  













**10.7 END OF TRIENNIUM 2022–2025****File Number: A6841502****Author: Robyn Garrett, Governance Manager****Authoriser: Emily Watton, Acting General Manager Strategy and Community****EXECUTIVE SUMMARY**

This report to Council notes the implications of the pending triennial elections on Council and committee meetings, and proposes the appropriate delegations to the Interim Chief Executive Officer until the new Council is sworn in.

**RECOMMENDATION**

1. That the Governance Manager's report dated 4 September 2025 titled 'End of Triennium 2022–2025' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council delegates the Interim Chief Executive Officer, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, to make decisions on behalf of the Council and community boards during the period between the declaration of election results and elected members being sworn into office, in respect of urgent matters and, when the Mayor-elect is known, in consultation with the Mayor-elect.
4. That Council notes that any decisions made under this delegation will be reported to the first ordinary meeting of the Council.
5. That Council approves that, under clause 30(7) of Schedule 7 of the Local Government Act 2002, the current District Licensing Committee is not discharged on the coming into office of the members of the Council elected or appointed at, or following, the October 2025 triennial general elections, and it continues to exercise its delegations.
6. That Council delegates to the Interim Chief Executive Officer, in consultation with the General Manager Regulatory Services, the authority to appoint hearings panels if required to consider any Resource Management Act 1991 consenting or planning matters during the period between the existing Council going out of office and the new Council establishing its committee arrangements and delegations.

## BACKGROUND

1. Sections 115 and 116 of the Local Electoral Act 2001 (LEA) advise that candidates who are declared to be elected come into office on the day after the day the official result of the election is declared by public notice (expected to be on or around 16 October 2025), and that the current members of a local authority vacate office at that same time.
2. However, Schedule 7 clause 14 of the Local Government Act 2002 (LGA) states that the councillors-elect may not act as members (i.e. the incoming Council cannot make decisions or conduct business) until they have made an oral declaration and written attestation of a declaration provided within the LGA. This swearing in takes place at an inaugural meeting of Council, scheduled for 5 November 2025.
3. This results in a period of time (the interregnum) when neither the outgoing nor the incoming elected members can act in their capacity as members of the Council. Council needs to consider arrangements to ensure the effective and efficient conduct of Council's business during the interregnum period.
4. Providing a time-limited delegation to the Chief Executive Officer to act on behalf of Council allows for urgent or emergency decisions and mitigates risk to Council. All decisions made under this delegation will be reported to the first ordinary meeting of the new Council.
5. The LGA provides that all committees, subcommittees and subordinate decision-making bodies are discharged at the time new members come into office, unless Council resolves otherwise. There is a period of time between the election of the new Council, new members taking office and the appointment of members to committees during which there will be no committees constituted.
6. During this period, Council will need to continue to carry out its regulatory functions under the Sale and Supply of Alcohol Act 2012 and the Resource Management Act 1991. Council's alcohol regulatory function is currently delegated to the District Licensing Committee; and it is recommended that the District Licensing Committee is not discharged following the triennial elections and continues to operate under its statutory and delegated powers. To perform its regulatory functions under the Resource Management Act 1991, Council will need the ability to convene hearings for any resource management matters that may occur during this period, therefore it is recommended that Council delegates the appointment of hearing panels to the Interim Chief Executive Officer in conjunction with the General Manager Regulatory Services.

## SIGNIFICANCE AND ENGAGEMENT

7. The LGA requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to

individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

8. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
9. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is essentially an administrative matter to ensure provision is made for emergency decisions and for the conduct of urgent Council business for the period between election result declaration day and the inaugural meeting of Council. Any actions taken in the period covered by the delegation will be in consultation with the Mayor-elect (when known) and reported to the first ordinary meeting of the new Council, or relevant Community Board.

**ENGAGEMENT, CONSULTATION AND COMMUNICATION**

<b>Interested/Affected Parties</b>	<b>Completed/Planned Engagement/Consultation/Communication</b>		
Council	Council will receive a full report of any action or decision taken by the Interim Chief Executive Officer during the interregnum period at its first business meeting.	Planned	Complete

**ISSUES AND OPTIONS ASSESSMENT**

<b>Option A Decision-making delegation provided to the Interim Chief Executive Officer for the interregnum period</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	Mitigates risk to Council and the community from potential emergency or unexpected urgent decisions required.  Decisions made are limited as per Clause 32(1) of Schedule 7 of the LGA and reported to Council.
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	None

<b>Option B</b> <b>No decision-making delegation provided to the Interim Chief Executive Officer for the interregnum period</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	Unable to make significant decisions that may be required  Unnecessary exposure to risk for Council and the community.
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	None

### STATUTORY COMPLIANCE

10. A local election is a mandatory process under Section 10(2) of the LEA. Consequently, when every member of a local authority leaves office under section 116 of the LEA, the Council has the option of delegating to the Chief Executive its responsibilities, duties, and powers for the period in question, except those set out in paragraphs (a) to (h) of clause 32(1) of Schedule 7 of the LGA. This paper provides the legal mechanism to allow for urgent decisions to be made and is consistent with the Local Government Act 2002; and also provides for Council to continue to meet its regulatory functions under the Sale and Supply of Alcohol Act 2012 and the Resource Management Act 1991.

### FUNDING/BUDGET IMPLICATIONS

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
None	

**10.8 MAYOR'S REPORT TO COUNCIL****File Number:** A6918041**Author:** Charlene Page, Senior Executive Assistant Mayor/CEO**Authoriser:** James Denyer, Mayor**EXECUTIVE SUMMARY**

The purpose of this report is for the Mayor to provide updates to Council on the below subjects.

**RECOMMENDATION**

That the Senior Executive Assistant – Mayor/CEO's report dated 4 September 2025 titled 'Mayor's Report to Council', be received.

**MEETINGS****External functions and meetings attended by Mayor James Denyer between 14 July and 25 August include:**

EMA Chief Executive John Fraser-Mackenzie & Beca function	14 July
LGNZ conference, Christchurch	16-17 July
Tapuika Iwi Authority	21 July
Regional Deal presentation hosted by Priority One, Tauranga	21 July
Western Bay Museum, Power to the People exhibition opening, Katikati	22 July
National Science Roadshow, Katikati College, Katikati	23 July
TVNZ interview	23 July
Francis Young et al, re Lockington House	23 July
Tauranga City Council office show around, Tauranga	23 July
Priority Te Puna public meeting re TPIL consent, Te Puna	23 July
Waitekohekohe bridge visit, Aongatete	24 July
Regional Deal weekly update, Teams	25 July
Nathan York, Bluehaven Group	25 July
Sirens and Services event, Te Puke	26 July
Vanuatu language week flag raising	28 July
Regional Deal catch-up, Teams	28 July
Regional Deal negotiator meet and greet, Tauranga	31 July
Regional Deal weekly update, Teams	1 August
LWDW meeting with partnership forums	1 August
Kevin Bluegum, Katikati	4 August
NZKGI Executive Committee, Tauranga	6 August
Service Delivery Contract Expo	6 August
Geoffrey Ford et al re Te Tumu	7 August

Chinese students' visit to Chambers	7 August
Regional Deals weekly update, Teams	8 August
Conway Reserve playground opening, Paengaroa	8 August
Tūmanako children's art exhibition opening, Tauranga	8 August
Bill Wasley	12 August
Urban Growth Partnership leads, catch-up, Teams	12 August
Te Tumu Development workshop, Tauranga	12 August
Peter McKinlay	13 August
Business Breakfast speech, hosted by Katch Katikati, Katikati	14 August
Future Proof / SmartGrowth joint meeting, Matamata	14 August
Nigel Tutt, Priority One farewell function, Tauranga	14 August
Regional Deals weekly update, Teams	15 August
Regional Deal negotiator online greet, Teams	15 August
Theatre opening night "Accomplice", Tauranga	15 August
Te Maire catch up re funding streams, Katikati	18 August
Alastair Rhodes, BayTrust	18 August
Code of Conduct stakeholder panel, Teams	20 August
Katikati BA5, Katikati	20 August
Craig Batchelar, SmartGrowth catch up, Teams	21 August
Bay Conservation Cadets completion celebration, Tauranga	21 August
Regional Deals weekly update, Teams	22 August
Opening of Evergreen House, affordable housing, Te Puke	24 August
Western Bay of Plenty Neighbourhood Support AGM, Tauranga	25 August

**External functions and meetings attended by CEO Miriam Taris between 14 July and 25 August 2025 include:**

CEO on leave until	05 August
Meet Mary Hill (CLM) & internal staff	07 August
Priority One	11 August
Lara Burkhardt, John Dillon and Rik Flowerday & WBOPDC	13 August
Peter McKinlay	13 August
Nigel Tutt, Priority One farewell function, Tauranga	14 August
Regional Deals weekly update, Teams	15 August
Alastair Rhodes, BayTrust	18 August
Regional Deals weekly CE's update, Teams	19 August
SmartGrowth Implementation Group Meeting	20 August
Regional Deals weekly update, Teams	22 August

**Regional Deal**

Following the signing of the MOU, a negotiation team has been assembled and negotiations with central government have now started. Councillors will continue to receive regular updates to keep up to speed as the deal process develops.

**End of Triennium**

This will be my last Mayor's Report of the 2022-25 triennium. I want to thank all our Councillors and Community Board members for their support and contribution throughout the period. We have achieved a lot and I thank you all for your work in both your governance and representation roles and wanting to do the best for your communities.

I also wish to thank our staff for all their support and doing the mahi for our district.

Lastly, I acknowledge and thank all the members of the community who have presented to us, provided feedback, and taken part in consultation. It is always good to hear the views of our people to guide our decision-making and make sure we understand the issues or challenges that our residents are facing.

## 11 INFORMATION FOR RECEIPT

### 11.1 AUDIT NEW ZEALAND ENGAGEMENT LETTERS

**File Number:** A6921951

**Author:** Sarah Bedford, Finance Manager

**Authoriser:** Adele Henderson, General Manager Corporate Services

#### EXECUTIVE SUMMARY

Audit New Zealand is Council's audit service provider appointed by the Office of the Auditor General to perform audit and assurance services for public entities. This report contains the Audit Engagement Letter for the audit of Western Bay of Plenty District Council Annual Report for the years 30 June 2025 to 30 June 2027. It also includes the tri-partite engagement letter confirming Audit New Zealand's appointment to provide a Limited Assurance Report under clause 12.2.6 of the Debenture Trust Deed between the Council and Trustees Executors Limited, based on procedures performed as part of the 2024/25 annual audit. These engagement letters have been approved by Mayor James Denyer and are here for your information purposes.

#### BACKGROUND

##### Annual Report Engagement

The Auditor-General has appointed Anton Labuschagne of Audit New Zealand to conduct annual audits of WBOPDC for the financial years ending 30 June 2025 to 30 June 2027.

The audit covers financial statements and performance information, aiming to provide an independent opinion and report on any significant issues.

##### Limited Assurance Report in Respect of the Western Bay of Plenty District Council's Debenture Trust Deed

The tri-partite engagement letter dated 25 July 2025 confirms the appointment of Audit New Zealand to provide a Limited Assurance Report under clause 12.2.6 of the Debenture Trust Deed between Western Bay of Plenty District Council and Trustees Executors Limited. This engagement leverages information obtained during the annual audit of the Council's financial statements and performance information for the year ending 30 June 2025.

#### ATTACHMENTS

1. **Audit Engagement Letter 2025-2027**  
2. **2025 Tri-partite engagement letter - Debenture Trust Deed - Signed**  





















































































## 12 RESOLUTION TO EXCLUDE THE PUBLIC

### RESOLUTION TO EXCLUDE THE PUBLIC

#### RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<p><b>12.1 – Confidential Minutes of the Council Meeting held on 24 July 2025</b></p>	<p>s7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) – the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(g) – the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) – the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	<p>s48(1)(a)(i) – the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

<p><b>12.2 - Confidential Minutes of the Council Meeting held on 5 August 2025</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p><b>12.3 - Confidential Minutes of the Council Meeting held on 15 August 2025</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(e) - the withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	disadvantage, negotiations (including commercial and industrial negotiations)	
<b>12.4 - Te Puke Wastewater Treatment Plant - consideration of feedback, options to proceed and proposed contract award</b>	<p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>12.5 - Review of Council Current Accounts and Reserves including Strategic Property</b>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

## 13 VALEDICTORY SPEECHES